



SUPPORTING DOCUMENTATION

QUESTION 11

CHARLES A. LAGOS
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VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
KENNETH W. HAYDEN
FRANK ORECHIO
DONALD TUCKER

COMMISSIONERS

Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

JAMES M. PIRO
CHIEF COUNSEL

NORMAN E. DARMSTATTER
CLERK

May 11, 1990

Reichhold Chemical, Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

Attn: Arthur Dieffenbach

RETURN RECEIPT REQUESTED

**RE: NOTICE OF VIOLATION
PERMIT NO. 20406320
VIOLATION DATE: 04/24/90
SECTION VIOLATED: 312.1(B)**

Dear Mr. Dieffenbach:

On 04/24/90 a routine inspection was made of your pH monitoring system. The pH recorder charts were reviewed for the period from 03/01/90 to 04/08/90. During that period the pH was out of compliance for a total 37.5 hours or 5.0% of the time which included exceeding one continuous hour below 5.0 on two occasions. Federal Regulations do not permit excursions of more than 1% in any calendar month or more than 1 hour at any particular time. As a result Reichhold has violated the PVSC Rules and Regulations as outlined below:

1. 312.1 (B) - refers to the discharge of corrosive waste which could cause damage to the sewer system.
2. 314.1 - refers to the notification procedure to be used in the event an individual user is unable to comply with the limitations contained in the PVSC Rules and Regulations or in the Sewer Connection Permit.

Please respond to this letter in writing within 10 days with an explanation for these violations and with a plan to eliminate them in the future. Failure to do so could result in fines and other penalties.

Very truly yours,

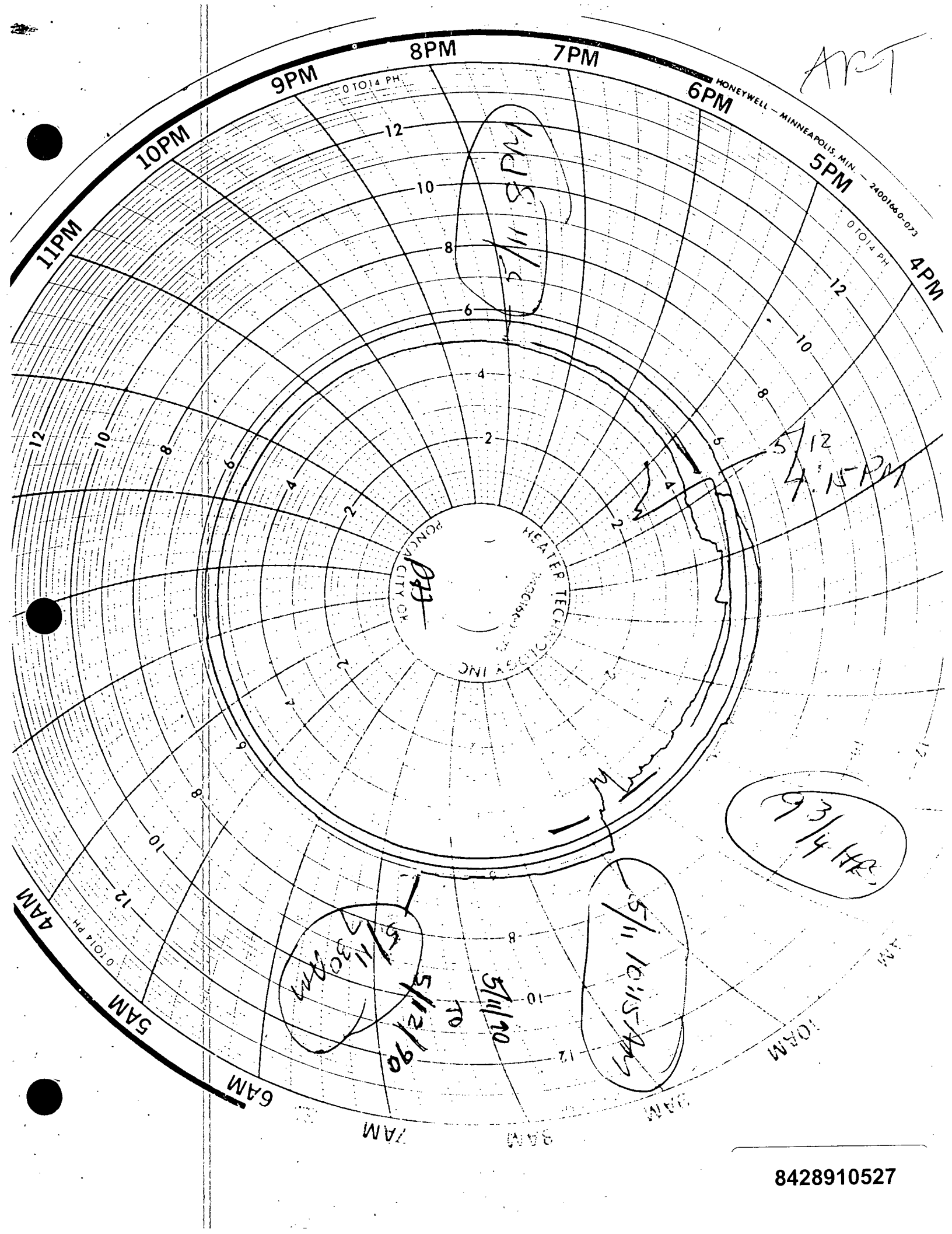
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
City of Newark

8428910526



ART

HONEYWELL - MINNEAPOLIS, MIN. - 2401640-073
01014 PH

HEATER TECH. CO. INC.
POND CITY, OK
[Signature]

5/11 8PM

5/12
4:15 PM

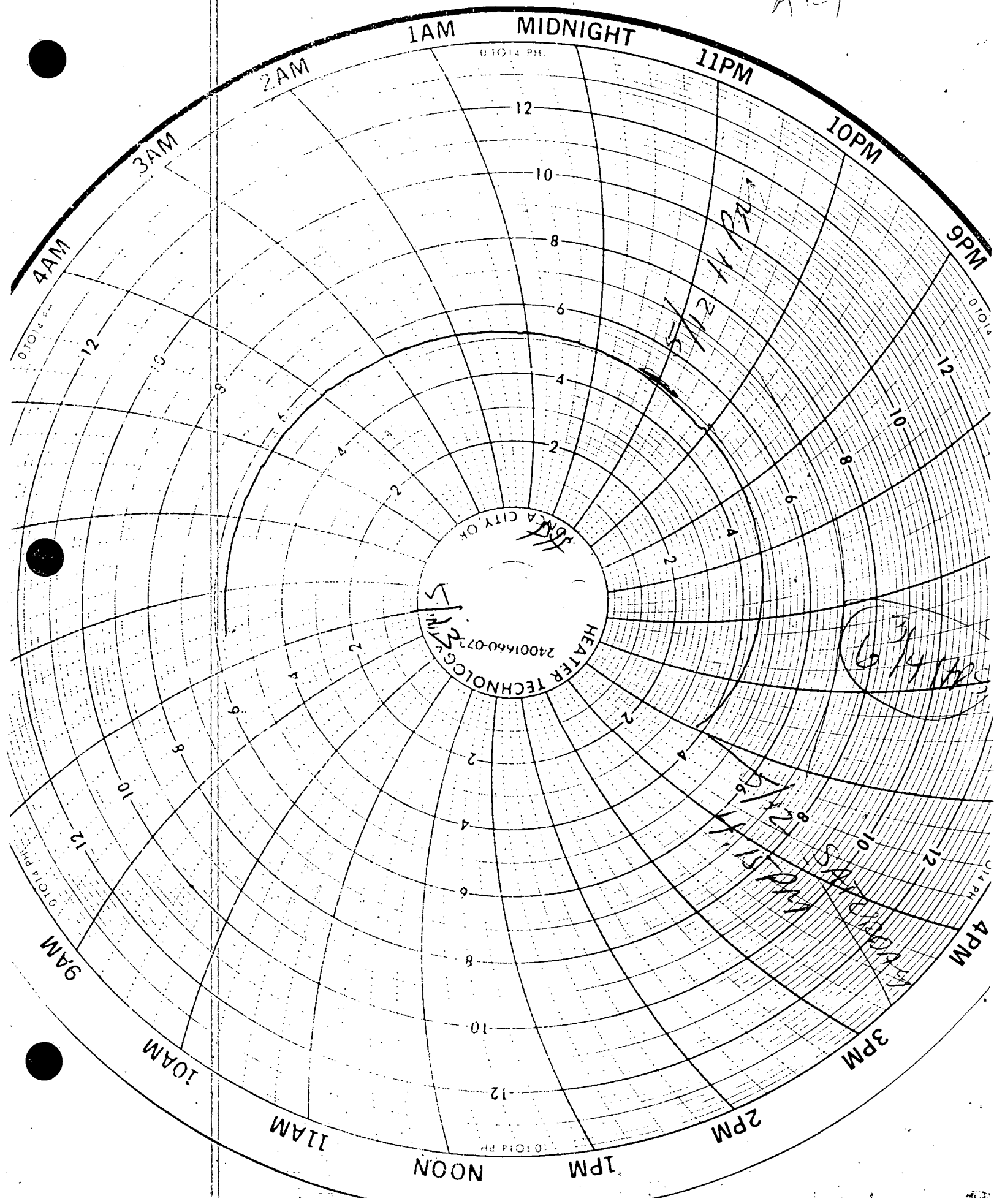
9/3/4 HZ

5/11 10:15 AM

5/11 5:30 AM
5/12/90

8428910528

ACT



Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

May 16, 1990

Passaic Valley Sewerage Commissioners
600 Wilson Avenue
Newark, N.J. 07105
Attn: Industrial Div.

Dear Sir:

In response to your certified letter of May 11, 1990, we wish to respond to your notice of violation. We reviewed our pH tapes again and compared them with our daily pH charts that are recorded from the same pH probe. We find that while our pH tapes do indicate violations, our pH charts do not indicate violations. It is these charts that are recorded on our instrument in our laboratory that are followed by our laboratory personnel who notify plant supervision of pH problems when they are recorded on these charts. Our pH tapes are recorded remotely the sewer outfall. We therefore do not know which reading was correct, and when the discrepancy was discovered, instrument was removed for repair.

We did fail to report these discrepancies because we did not know which was correct. In the future we will endeavor to comply rigidly to regulations and report pH excursions even if we do not know if they are indeed true. We will also endeavor to more closely check and compare reading on both instruments.

Sincerely yours,

Arthur E. Dieffenbach
Arthur E. Dieffenbach
PLANT ENGINEER

DONALD TUCKER
CHAIRMAN

RAYMOND LUCHKO
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
CHARLES A. LAGOS
FRANK ORECHIO
COMMISSIONERS

Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

7-13-90
Point 7-13-90
8-6-90
D
CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

NORMAN E. DARMSTATTER
CLERK

August 06, 1990

Reichhold Chemical
300-400 Doremus Avenue
Newark, NJ 07105
Attn: Mr. Dieffenbach

TO ALL CONCERNED: We are very close to being
Fined by PVSC - up to 50000. I suspect
we'll be fined for our next violation. The DEP
JUST PASSED Rule #7 which empowers PVSC to
LEVY large fines for PH or LCL violations. We
are close to being
Fined. It's coming
unless we watch the PH
closer. John R.

RE: NOTICE OF VIOLATION
PERMIT NO: 22042320
VIOLATION DATE: 07-13-90
SECTION VIOLATED: 315.2

Dear Mr. Dieffenbach:

You are put on notice that your company is in violation of Section 315.2 of the Passaic Valley Sewerage Commissioners Rules and Regulations. During an inspection visit on 7-13-90 your pH monitoring equipment was not operating in conformance with its intended use. On June 21, 1990, there was an incident where you claimed the pH recorder malfunctioned causing an erroneous reading of below 5.0 for 5.5 continuous hours. As a result, Reichhold Chemical did not comply with the Sewer Connection Permit which requires continuous monitoring of the facilities outfall.

In your letter dated June 22, 1990, you stated the incident occurred when there was no discharge and that upon start-up, the supervisor recalibrated the instrument and the false reading was corrected. You are reminded that in the future, we will expect that you pay closer attention to pH control. In addition, in the event of spills, upsets or equipment malfunctions, you must notify PVSC in writing with an explanation and a plan to prevent reoccurrence. Failure to do so could result in fines and other penalties. If you have any questions concerning this matter please contact Mario Graglia at (201)817-5724.

Very truly yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Carmine T. Perrapato
Executive Director

CTP/sl

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
City of Newark

8428910530

8428910531

9/24/90
D

DONALD TUCKER
CHAIRMAN

RAYMOND LUCHKO
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
CHARLES A. LAGOS
FRANK ORECHIO
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

NORMAN E. DARMSTATTER
CLERK

October 16, 1990

Reichhold Chemicals, Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

RECEIVED MAIL
RETURN RECEIPT REQUESTED

Attn: Arthur Dieffenbach

**RE: NOTICE OF VIOLATION
PERMIT NO. 20406320
VIOLATION DATE: 09/26/90
SECTION VIOLATED: 312.1(B)**

Dear Mr. Dieffenbach:

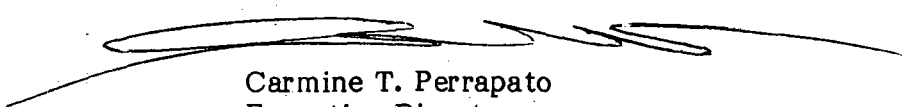
On 09/26/90, a routine inspection was made of your pH control system. The pH recorder charts were reviewed for the period from 08/02/90 to 09/04/90. During that period the pH was out of compliance for a total 24.7 hours or 3.3% of the time including exceeding on continuous hour below 5.0 on four occasion and above 10.5 on two occasion. Federal Regulations do not permit excursions of more than 1% in any calendar month or more than 1 hour at any particular time. As a result Reichhold Chemicals, has violated the PVSC Rules and Regulations as outlined below:

1. 312.1 (B) - refers to the discharge of corrosive waste which could cause damage to the sewer system.
2. 314.1 - refers to the notification procedure to be used in the event an individual user is unable to comply with the limitations contained in the PVSC Rules and Regulations or in the Sewer Connection Permit.

Please respond to this letter in writing within 10 days with an explanation for these violations and with a plan to eliminate them in the future. Failure to do so could result in fines and other penalties.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
City of Newark

*John, I will ans this w. 11 excuses. the
excuses were tired and no problem on Sept*

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

9/26/90
D

REICHOLD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 2, 1990

Mr. Carmine T. Perrapato
Executive Director
PASSAIC VALLEY SEWERAGE COMMISSIONERS
600 Wilson Avenue
Newark, N.J. 07105

REL: Notice of Violation of 09/26/90

Dear Mr. Perrapato:

We have been reviewing and modifying the methods of controlling our sewer pH in anticipation of the OCPSF requirement of our permits due November 5, 1990.

Some of these changes initially took place in August, and with the training and new responsibilities of employees and constructive activities of the pre-treatment unit of the sewer water, we discovered some minor problems caused the pH excursion.

1. The pH adjustment cycled or overcorrected with too high or too low adjustments, causing a few out of range periods. The 21 composite sample never was beyond the permit range.
2. We did notify you of our problems on August 12, 1990, August 24, 1990, and September 12, 1990, but did cover all of the 24.7 hour period. We will now report all problems, even those lasting less than for one hour.

We are investigating new automatic pH adjustment equipment to reduce the human error factor.

Very truly yours,



Joseph Pointek
Manager - Regulatory Affairs

JP/glm

bcc: A. Dieffenbach
M. Gasparik
J. Rankin
T. Sturm
T. Toman
V. Will

(201) 589-3709
(201) 817-9173 (Facsimile)

8428910532

DONALD TUCKER
CHAIRMAN

RAYMOND LUCHKO
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
CHARLES A. LAGOS
FRANK ORECHIO
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

NORMAN E. DARMSTATTER
CLERK

February 19, 1991

Reichhold Chemicals, Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

Attn: Arthur Dieffenbach

RECEIVED MAIL
RETURN RECEIPT REQUESTED
P 324 116 077

**RE: NOTICE OF VIOLATION
PERMIT NO. 20406320
VIOLATION DATE: 01/17/91
SECTION VIOLATED: 312.1 (D)**

Dear Mr. Dieffenbach:

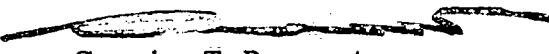
On 01/17/91, a routine inspection was made of your pH control system. The pH recorder charts were reviewed for the period from 10/01/90 to 10/31/90. During that period the pH was below 5.0 on 10/26/90 for 1 1/2 continuous hours. Federal Regulations do not permit excursions of more than 1% in any calendar month or more than 1 hour at any particular time. As a result Reichhold Chemical, has violated the PVSC Rules and Regulations as outlined below:

1. 312.1 (B) - refers to the discharge of corrosive waste which could cause damage to the sewer system.

This incident was reported to PVSC and remedial action was taken. You are reminded that in the future, we will expect that you pay closer attention to pH control. In addition, in the event of spills, upsets or equipment malfunctions, you must notify PVSC in writing with an explanation and a plan to prevent reoccurrence. Failure to do so could result in fines and other penalties. If you have any questions concerning this matter, please call Mario Graglia at (201) 817-5724.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato,
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
City of Newark

8428910533

✓
DONALD TUCKER
CHAIRMAN

AND LUCHKO
CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
JAMES KRONE
FRANK ORECHIO
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

May 15, 1991

Reichhold Chemical
300-400 Doremus Ave
Newark, NJ 07105
Attn: Mr. Dieffenbach

CERTIFIED RECEIPT
P 718 787 777

**RE: NOTICE OF VIOLATION
PERMIT NO: 20406320
VIOLATION DATE: 2-4-91
SECTION VIOLATED: 403.12d**

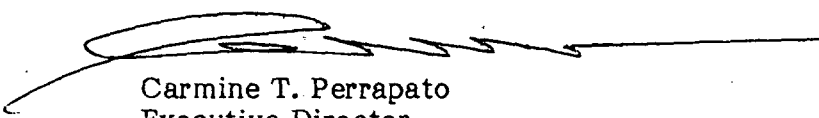
Dear Mr. Dieffenbach:

You are put on notice that your company is in violation of Section 403.12d of the General Pretreatment Regulations for failure to provide all the necessary information to demonstrate compliance with applicable pretreatment limitations. To achieve compliance with the reporting requirements, please note the deficiencies on the attached list and make the appropriate corrections.

Attach the required information to the list and return within 10 days. Failure to do so could result in fines or other penalties. As previously communicated to you under separate cover fines will be assessed if future reports on compliance are either late or incomplete. If you have any questions concerning this matter, please call Mario Graglia at (201) 817-5724.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/sl

Attachment

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
City of Newark

8428910534

REICHHOLD CHEMICAL DEFICIENCIES

- 4b Proper compliance statement not included
- 5g Maximum and average limitations must be noted in proper place on MR-1 Form
- 7d Note pretreatment and user charge sample points must be properly identified on the flow diagram
- 7e The regulated and unregulated flow must be indicated on the flow diagram

Certification of Non-use (use additional sheets if necessary)

We neither use nor discharge
any metals.

Compliance or non compliance statement with compliance schedule (use additional sheets
if necessary) for every parameter used.

Explain Method for preserving samples

Sampling Bottles are prepared & supplied to
Garden state Lab. Samples are taken for
pretreatment effluent and stored in Refrigerator
Either garden state picks up the samples or we
delivered them in 24 hrs.

Arthur E. Dieffenbach
Signature of Principal
Executive or Authorized Agent

ARTHUR E. DIEFFENBACH

PLANT ENGINEER

Type Name and Title

2/4/91

Date

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

May 31, 1991

Passaic Valley Sewerage Commisioners
600 Wilson Avenue
Newark, New Jersey 07105

ATTENTION: Mr. Carmine Perrapato

Dear Mr. Perrapato:

This is in reference to your letter dated May 15, 1991 about permit number 20406320. As per your requirement, I have filled out the items missing and have corrected the MR-1 report.

If you have any questions, please give me a call during regular business hours.

Sincerely yours,

REICHHOLD CHEMICALS, INC.

Arthur E. Dieffenbach
Arthur E. Dieffenbach
Plant Engineer

AED:cl

CC. BOB NAYJELIS
VICKY
Dave Bright
Mike Baxi -
K-TAYLOR

PRETREATMENT MONITORING REPORT

Name REICHOLD CHEMICAL

Mailing Address 400 DUREMYS AVE

Facility Location NEWARK, NEW JERSEY 07205

Category & Subpart 40 CFR 414.55 & E. Outlet# 2040 6320-44100-02

Contact Official JOE POINTER / MIKE BAX Telephone# (201) 589-3709

Monitoring Period					
11	05	90	12	31	90
Mo.	Day	Yr.	Mo.	Day	Yr.
Start			End		

Production rate (if applicable)

For Reporting Period

	AVG	MAX
Regulated flow-gal/day	6000	9000
Total Flow-gal/day	6000	
Method used	TANK LEVEL	

Parameter		Mass Limit or Concentration			No. of Samples	Sample Comp./g
		Average	Maximum	Units		
BENZENE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	57	134	µg/l		
CARBON TETRACHLORIDE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	142	380	µg/l		
CHLORO BENZENE	Sample measurement	<10	<10	µg/l	1	grab
	Permit requirement	142	380	µg/l		
1,2,4 TRI CHLORO BENZENE	Sample measurement	<10	<10	µg/l	1	composite
	Permit requirement	196	794	µg/l		
HEXACHLORO BENZENE	Sample measurement	<10	<10	µg/l	1	composite
	Permit requirement	196	794	µg/l		
1,2-DICHLORO ETHANE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	180	574	µg/l		
1,1,1 TRI CHLORO ETHANE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	22	59	µg/l		
CHLORO-ETHANE	Sample measurement	<10	<10	µg/l	1	composite
	Permit requirement	196	794	µg/l		
CHLORO FORM	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	22	59	µg/l		

Name RETCH HOLL CHEMICALS INC

Mailing Address 400 DOREMUS AVE NEWARK NJ 07105

Facility Location SAME

Category & Subpart _____ Outlet # 20406320-44160-0201

Contact Official JOG POINTEK Telephone # 589-3709

Monitoring Period					
11	05	90	02	31	90
Mo.	Day	Yr.	Mo.	Day	Yr.
Start		End			
Production rate (if applicable)					

For Reporting Period

AVG MAX

Regulated flow-gal/day _____

Total Flow-gal/day _____

Method used _____

Parameter		Mass Limit or Concentration			No. of Samples	Sample type Comp./gr
		Average	Maximum	Units		
1,2 DICHORO BENZENE	Sample measurement	<25	<25	ug/l	1	grab
	Permit requirement	32	127	ug/l		
1,3 DICHORO BENZENE	Sample measurement	<25	<25	ug/l	1	grab.
	Permit requirement	110	295	ug/l		
1,4 DICHORO BENZENE	Sample measurement	54	54	ug/l	1	grab.
	Permit requirement	111	325	ug/l		
1,1 DICHORO ETHYLENE	Sample measurement	<10	<10	ug/l	1	Composite
	Permit requirement	196	794	ug/l		
1,2 TRANS DICHORO ETHYLENE	Sample measurement	<10	<10	ug/l	1	Composite
	Permit requirement	142	380	ug/l		
1,2 DICHORO PROPANE	Sample measurement	<10	<10	ug/l	1	Composite
	Permit requirement	142	380	ug/l		
1,3 DICHORO PROPYLENE	Sample measurement	<25	<25	ug/l	1	grab.
	Permit requirement	22	60	ug/l		
1,2 TRANS DICHORO ETHYLENE	Sample measurement	<25	<25	ug/l	1	grab.
	Permit requirement	25	66	ug/l		
1,2 DICHORO PROPANE	Sample measurement	<25	<25	ug/l	1	grab.
	Permit requirement	196	794	ug/l		

Name REICH HOLD CHEMICALS INC.
 Mailing Address 400 DOREMUS AVE NEWARK NJ 07105
 Facility Location SAME
 Category & Subpart _____ Outlet # 0204106320-44100-020
 Contact Official JOE POINTELL Telephone # 589-3709

Monitoring Period					
11	05	90	12	31	90
Mo.	Day	Yr.	Mo.	Day	Yr.
Start			End		
Production rate (if applicable)					

For Reporting Period
 Regulated flow-gal/day AVG MAX
 Total Flow-gal/day
 Method used

Parameter		Mass Limit or Concentration			No. of Samples	Sample type Comp./g
		Average	Maximum	Units		
1,3 DICHLORO PROPYLENE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	196	794	µg/l		
ETHYLE BENZENE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	142	380	µg/l		
METHYLENE CHLORIDE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	36	170	µg/l		
METHYL CHLORIDE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	110	295	µg/l		
HEXACHLORO BUTADIENE	Sample measurement	<10	<10	µg/l	1	Composite
	Permit requirement	142	380	µg/l		
NITRO BENZENE	Sample measurement	<10	<10	µg/l	1	Composite
	Permit requirement	2237	6402	µg/l		
2-NITRO PHENOL	Sample measurement	<10	<10	µg/l	1	Composite
	Permit requirement	65	231	µg/l		
4-NITRO- PHENOL	Sample measurement	<50	<50	µg/l	1	Composite
	Permit requirement	162	576	µg/l		
4,6 DINITRO O-CRESOL	Sample measurement	<50	<50	µg/l	1	Composite
	Permit requirement	178	277	µg/l		

PRETREATMENT MONITORING REPORT

Name REICHOLD CHEMICALS INC.
 Mailing Address 400 DOREMUS AVE NEWARK NJ 07105
 Facility Location SAME
 Category & Subpart _____ Outlet# 0204-06320-44100-0201
 Contact Official JOE POINTEK Telephone# 589-3709

Monitoring Period					
11	05	90	12	31	90
Mo.	Day	Yr.	Mo.	Day	Yr.
Start			End		

Production rate (if applicable) _____

For Reporting Period
 Regulated Flow-gal/day AVG MAX
 Total Flow-gal/day _____
 Method used _____

Parameter		Mass Limit or Concentration			No. of Samples	Sample type Comp./grs
		Average	Maximum	Units		
TETRA-CHLORO ETHYLENE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	52	164	µg/l		
TOLUENE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	28	74	µg/l		
TRICHLORO ETHYLENE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	26	69	µg/l		
VINYL CHLORIDE	Sample measurement	<25	<25	µg/l	1	grab
	Permit requirement	97	172	µg/l		
TOTAL CYANIDE	Sample measurement	5	5	µg/l	1	grab
	Permit requirement	420	1200	µg/l		
TOTAL LEAD	Sample measurement	10	10	µg/l	1	Composite
	Permit requirement	320	690	µg/l		
TOTAL ZINC	Sample measurement	120	120	µg/l	1	Composite
	Permit requirement	1050	2610	µg/l		
	Sample measurement					
	Permit requirement					
	Sample measurement					
	Permit requirement					

Certification of Non-use (use additional sheets if necessary)

We neither use nor discharge
any metals.

Compliance or non compliance statement with compliance schedule (use additional sheets if necessary) for every parameter used.

Analytical test indicates that the
permit was in compliance for all
parameter used.

Explain Method for preserving samples

Supplied to us
Sampling Bottles are prepared by
Garden State Lab. Samples are taken for
pretreatment effluent and stored in Refrigerator.
Either garden state picks up the samples or we
delivered them in 24 hrs. ~~over the~~

Arthur E. Dieffenbach
Signature of Principal
Executive or Authorized Agent

ARTHUR E. DIEFFENBACH

PLANT ENGINEER
Type Name and Title

2/4/91

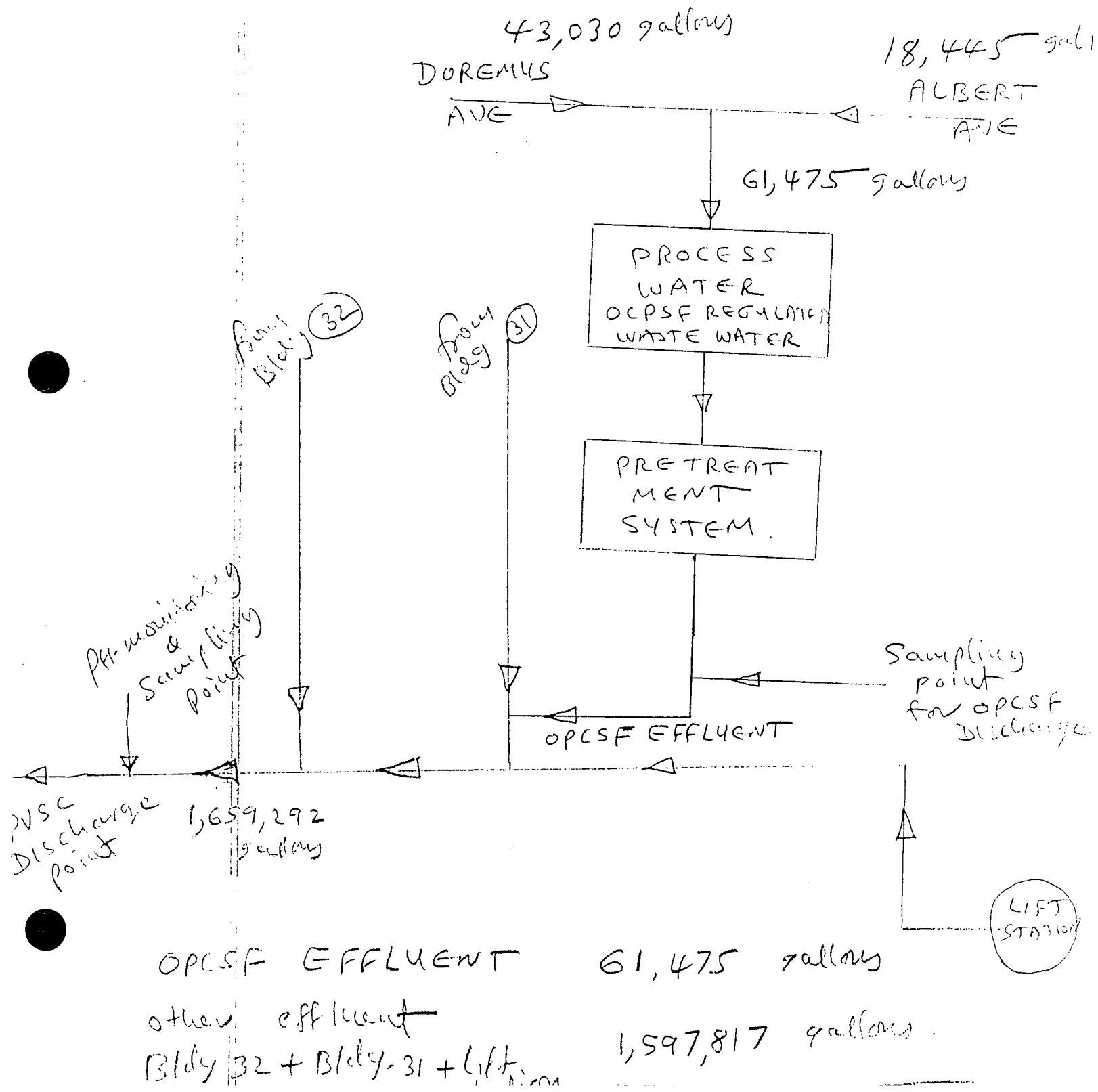
Date

REICHHOLD CHEMICALS, INC.
400 DOREMUS AVENUE
NEWARK, NJ 07105

8428910543

WASTE WATER FLOW DIAGRAM

OCPSE REGULATED FLOW



DONALD TUCKER
CHAIRMAN

MOND LUCHKO
CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
JAMES KRONE
FRANK ORECHIO
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

May 15, 1991

Reichhold Chemical
300-400 Doremus Ave
Newark, NJ 07105
Attn: Mr. Dieffenbach

CERTIFIED RECEIPT
P 718 787 777

**RE: NOTICE OF VIOLATION
PERMIT NO: 20406320
VIOLATION DATE: 2-4-91
SECTION VIOLATED: 403.12d**

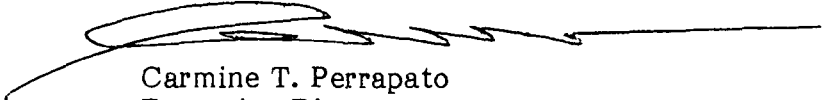
Dear Mr. Dieffenbach:

You are put on notice that your company is in violation of Section 403.12d of the General Pretreatment Regulations for failure to provide all the necessary information to demonstrate compliance with applicable pretreatment limitations. To achieve compliance with the reporting requirements, please note the deficiencies on the attached list and make the appropriate corrections.

Attach the required information to the list and return within 10 days. Failure to do so could result in fines or other penalties. As previously communicated to you under separate cover fines will be assessed if future reports on compliance are either late or incomplete. If you have any questions concerning this matter, please call Mario Graglia at (201) 817-5724.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/sl

Attachment

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
City of Newark

8428910544

REICHHOLD CHEMICAL DEFICIENCIES

- 4b Proper compliance statement not included
- 5g Maximum and average limitations must be noted in proper place on MR-1 Form
- 7d Note pretreatment and user charge sample points must be properly identified on the flow diagram
- 7e The regulated and unregulated flow must be indicated on the flow diagram

M BAK
DONALD TUCKER
CHAIRMAN

MONYMOND LUCHKO
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
JAMES KRONE
FRANK ORECHIO
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

**600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951**

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

June 7, 1991

Reichhold Chemicals, Inc.
46 Albert Avenue
Newark, New Jersey 07105

Certified Mail
P 715 787 801

Attn: Mikulas Gasparik

**RE: NOTICE OF VIOLATION
PERMIT #: 20403702
VIOLATION DATE: 04/21/91
SECTION VIOLATED: 316.1**

Dear Mr. Gasparik:

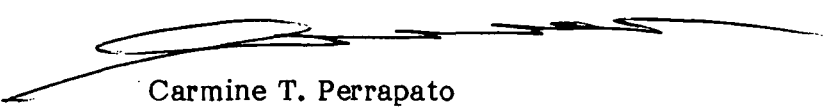
You received a letter from Passaic Valley Sewerage Commissioners dated 5/2/91 stating that your company was in violation of Section 316.1 of the PVSC Rules and Regulations, failure to submit a monitoring report on time.

You were also advised that you had the opportunity to pay a fine in order to resolve this matter. PVSC did not receive your remittance of the fine, therefore we have scheduled an Informal Hearing to be held on June 18, 1991, at 3:00 pm. This hearing will be held in the Deputy Executive Directors office which is located in the PVSC Administration Building, 600 Wilson Avenue, Newark, New Jersey 07105.

If this matter cannot be resolved in an informal manner, it will be referred to the PVSC attorney for legal action.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
Carmen DellaPia

8428910546

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 26, 1991

Mr. Carmen Della Pia
PASSAIC VALLEY SEWERAGE COMMISSION
600 Wilson Avenue
Newark, N.J. 07105


Dear Mr. Della Pia:

Enclosed is our check in the amount of \$1,050.00 to cover fees for late submission of quarterly self monitoring reports for our facilities located on Albert and Doremus Avenues in Newark.

It is our understanding that payment of this fee will settle all claims against Reichhold regarding this matter.

Thank you for your cooperation, and please let me know if I can be of any further assistance.

Very truly yours,


Robert Naujelis
Environmental & Safety Manager

RN/glm
ecnl.

D.C.C. KENT TAYLOR

DONALD TUCKER
CHAIRMAN

RAYMOND LUCHKO
VICE CHAIRMAN

ROBERT M. BURKE JR.
THOMAS J. CIFELLI
JAMES KRONE
FRANK ORECHIO
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

**600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951**

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

May 2, 1991

Reichhold Chemical, Inc.
300-400 Doremus Avenue
Newark, NJ 07105

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P297939 602

Attn: Arthur Dieffenbach

**RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: 4/21/91
SECTION VIOLATED: 316.1**

Dear Mr. Dieffenbach,

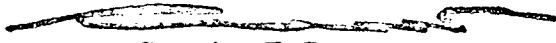
You are put on notice that as of 4/21/91, your company was in violation of Section 316.1 of the Passaic Valley Sewerage Commissioners Rules and Regulations for failure to submit a Quarterly Self Monitoring Reports (MR-2) on time. Your company's report was received at PVSC on 4/23/91 which was 2 days late. According to the PVSC Rules and Regulations you are subject to a minimum fine.

You may avoid legal action if you remit the minimum fine of \$300.00 by May 23, 1991. Please make check payable to PVSC and forward to the attention of Carmen DellaPia, Operations Coordinator, Passaic Valley Sewerage Commissioners, 600 Wilson Avenue, Newark, New Jersey 07105.

If this matter cannot be resolved in an informal manner the case will be referred to the PVSC attorney for legal action. This may result in higher fines.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank P. D'Ascensio, Manager of Industrial & Pollution Control
Carmen Della Pia, Operations Coordinator

8428910548

Reichhold Chemicals, Inc.

Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

CERTIFIED MAIL
RETURN RECEIPT REQUIRED

May 10, 1991

Mr. Carmen Della Pia
Operations Coordinator
Passaic Valley Sewerage Commission
600 Wilson Avenue
Newark, N.J. 07105

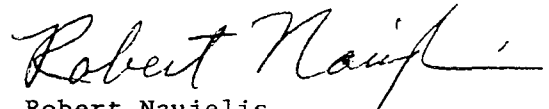
Dear Mr. Della Pia:

This letter is in response to two Notices of Violation, both dated May 2, 1991, which we received from your agency, alleging that we failed to submit Quarterly Self Monitoring Reports on time.

We would like to meet with you on an informal basis so that we may present facts which we feel will mitigate both violations.

I look forward to hearing from you at your earliest convenience.

Very truly yours,



Robert Naujelis
Environmental & Safety Manager

bcc: A. Dieffenbach
K. Taylor
V. Will

DONALD TUCKER
CHAIRMAN

RAYMOND LUCHKO
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
DOMINIC W. CUCCINELLO
RONALD W. GIACONIA
JAMES KRONE
FRANK ORECHIO
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

**600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951**

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

August 15, 1991

Reichhold Chemical, Inc.
300-400 Doremus Avenue
Newark, NJ 07105
Attn: Robert Naujelis

CERTIFIED RECEIPT
P 715 788 536

**RE: NOTICE OF VIOLATION
PERMIT NO: 20406320
VIOLATION DATE: 7-21-91
SECTION VIOLATED: 403.12(e)**

Dear Mr. Naujelis,

This letter is to inform you that your company is in violation of Section 403.12(e) of the General Pretreatment Regulations and your Sewer Connection Permit because your most recent MR-1 report due 7/21/91 was submitted incomplete and/or incorrect. As such your company is subject to a minimum fine as outlined in Appendix C of the PVSC Rules and Regulations. The report deficiencies are outlined on the attached sheet.

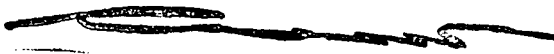
You are hereby directed to submit a corrected copy of the report to PVSC within 10 days of the date of this letter. Please correct the deficiencies and submit another report. All corrections must be made on the proper forms. Failure to do so will subject your company to legal action and additional fines.

Therefore, you may avoid legal action and additional fines by:

- (a) Completing and forwarding the report to the attention of Andrew Caltagirone by August 26, 1991
and
- (b) Paying a fine of \$300 by September 01, 1991.

Checks in the amount of the fine should be made payable to Passaic Valley Sewerage Commissioners and sent to the attention of Carmen DellaPia, Operations Coordinator.

Very truly yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/mc

Attachment

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
Carmen DellaPia
Andrew Caltagirone

8428910550

MR-1 DEFICIENCIES

COMPANY NAME: REICHHOLD CHEMICAL (DOREMUS AVENUE)
VIOLATION DATE: 7/21/91

✧ Permittee out of Compliance with Categorical Pretreatment Limitations.

✧ Proper Compliance/Non-Compliance statement not provided.

Method used to preserve samples not stated in designated space on MR-1.

✧ Flow Diagram not signed and dated.

COMPANY NAME: REICHHOLD CHEMICAL (DOREMUS AVENUE)

Need to submit signed receipts for each tank wagon taken to Doremus Avenue for next report.

State amount of gallons in each tank wagon, so water figures can be verified.

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

August 27, 1991


PASSAIC VALLEY SEWERAGE COMMISSIONERS
600 Wilson Avenue
Newark, NJ 07105
Attn.: Mr. Andrew Caltagirone

Dear Mr. Caltagirone:

Enclosed is our check in the amount of \$300.00 to cover penalties referenced in your letter to us dated August 15, 1991.

If any questions, please contact Mike Baxi or me at the below listed telephone number.

Very truly yours,


Robert Naujelis
Environmental & Safety Manager

RN/glm
encl.

cc: M. Baxi
K. Taylor

8428910553

REICHHOLD CHEMICALS, INC.

VENDOR NO.	INVOICE DATE	POST MED.	PLT.	INVOICE AMOUNT	DISCOUNT	NET AMOUNT
4836200	08 15 91	20406320		300 00	0.00	300.00

DETACH BEFORE DEPOSITING

1385/00106929

300.00

DONALD TUCKER
CHAIRMAN

AND LUCHKO
CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
DOMINIC W. CUCCINELLO
RONALD W. GIACONIA
JAMES KRONE
FRANK ORECHIO
COMMISSIONERS

Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

August 15, 1991

Reichhold Chemical, Inc.
300-400 Doremus Avenue
Newark, NJ 07105
Attn: Robert Naujelis

CERTIFIED RECEIPT
P 715 788 536

RE: NOTICE OF VIOLATION
PERMIT NO: 20406320
VIOLATION DATE: 7-21-91
SECTION VIOLATED: 403.12(e)

Dear Mr. Naujelis,

This letter is to inform you that your company is in violation of Section 403.12(e) of the General Pretreatment Regulations and your Sewer Connection Permit because your most recent MR-1 report due 7/21/91 was submitted incomplete and/or incorrect. As such your company is subject to a minimum fine as outlined in Appendix C of the PVSC Rules and Regulations. The report deficiencies are outlined on the attached sheet.

You are hereby directed to submit a corrected copy of the report to PVSC within 10 days of the date of this letter. Please correct the deficiencies and submit another report. All corrections must be made on the proper forms. Failure to do so will subject your company to legal action and additional fines.

Therefore, you may avoid legal action and additional fines by:

- (a) Completing and forwarding the report to the attention of Andrew Caltagirone by August 26, 1991
and
- (b) Paying a fine of \$300 by September 01, 1991.

Checks in the amount of the fine should be made payable to Passaic Valley Sewerage Commissioners and sent to the attention of Carmen DellaPia, Operations Coordinator.

Very truly yours,
PASSAIC VALLEY SEWERAGE COMMISSIONERS

Carmine T. Perrapato
Executive Director

CTP/mc

Attachment

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
Carmen DellaPia
Andrew Caltagirone

8428910554

MR-1 DEFICIENCIES

COMPANY NAME: REICHHOLD CHEMICAL (DOREMUS AVENUE)
VIOLATION DATE: 7/21/91

✧ Permittee out of Compliance with Categorical Pretreatment Limitations.

✧ Proper Compliance/Non-Compliance statement not provided.

Method used to preserve samples not stated in designated space on MR-1.

✧ Flow Diagram not signed and dated.

COMPANY NAME: REICHHOLD CHEMICAL (DOREMUS AVENUE)

Need to submit signed receipts for each tank wagon taken to Doremus Avenue for next report.

State amount of gallons in each tank wagon, so water figures can be verified.

DONALD TUCKER
CHAIRMAN

RAYMOND LUCHKO
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
DOMINIC W. CUCCINELLO
RONALD W. GIACONIA
JAMES KRONE
FRANK ORECHIO
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

**600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951**

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

August 29, 1991

Reichhold Chemical Inc.
300-400 Doremus Avenue
Newark, NJ 07105
Attn: Arthur Dieffenbach

CERTIFIED RECEIPT
P 852 756 373

**RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: 8-26-91
SECTION VIOLATED: 104.3**

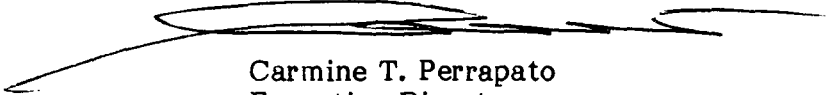
Dear Mr. Dieffenbach:

You are put on notice that you are in violation of Section 104.3 of the PVSC Rules and Regulations which state that no person shall interfere with, delay, resist or refuse entrance to an authorized PVSC inspector attempting to inspect any facility involved directly with a discharge of wastewater. On 08/26/91, a PVSC inspector visited your plant for the purpose of conducting a LEL compliance review. There was no responsible party available for over 40 minutes and the tapes were not available for review. As a result the inspector was unable to complete the assigned task.

You are hereby directed to respond to this letter in writing within five (5) days with the names of two alternative contact people so that this type of incident will not happen again. Failure to do so could result in fines or other penalties.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/sml

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
City of Newark

8428910556

DONALD TUCKER
CHAIRMAN

RAYMOND LUCHKO
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
DOMINIC W. CUCCINELLO
RONALD W. GIACONIA
JAMES KRONE
FRANK ORECHIO
COMMISSIONERS

Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

December 5, 1991

Reichhold Chemical Inc.
300-400 Doremus Avenue
Newark, NJ 07105
Attn: Robert Naujelis

CERTIFIED RECEIPT
P 324 115 474

**RE: NOTICE OF VIOLATION
PERMIT NO. 20406320
VIOLATION DATE: 9-26-91
SECTION VIOLATED: 312.1B**

Dear Mr. Naujelis:

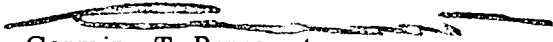
On 9-26-91 a routine inspection was made of your pH control system. The pH recorder charts were reviewed for the period from 5-1-91 to 8-31-91. During May the pH was out of compliance above 10.5 on three occasions for a total 22.75 hours or 3.1% of the time. In June, the pH was above 10.5 on two occasions for over 2 hours each. In July, the pH was below 5.0 on two occasions, one lasting 5 hours, and the other lasting 16 hours. During August, there were two one-hour excursions below 5.0, and a 1.5 hour exceedance of 10.5. Federal Regulations do not permit pH excursions below 5.0 for any length of time, more than 1% in any calendar month or more than 1 hour at any particular time. PVSC limits are between 5.0 and 10.5. As a result, Reichhold has violated the PVSC Rules and Regulations as outlined below:

1. 312.1 (B) - refers to the discharge of corrosive waste which could cause damage to the sewer system.
2. 314.1 - refers to the notification procedure to be used in the event an individual user is unable to comply with the limitations contained in the PVSC Rules and Regulations or in the Sewer Connection Permit.

It appears that your pH control system is still not functioning properly. Please respond to this letter in writing within 10 days with an explanation for these violations and with a plan to eliminate them in the future. Failure to do so could result in fines and other penalties. In view of your violation history, a copy of this letter is being forwarded to the PVSC attorneys for further action. If you have any questions concerning this matter, please call Mario Graglia at (201) 817-5724.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
City of Newark

8428910557

Reichhold Chemicals, Inc.

Coating Polymers & Resins Division
400 Doremus Avenue
Newark NJ 07105

REICHHOLD

December 10, 1991

Passaic Valley Sewerage Commissioners
600 Wilson Avenue
Newark, New Jersey 07105

ATTENTION: Mr. Carmine T. Perrapato

Re: Notice of Violation
Permit #20406320
Date: 9/26/91
Cert R.R.

Dear Mr. Perrapato,

In response to your letter dated December 5, 1991, I am pleased to inform you that our new pH control system is installed and on line as of December 1.


At our June meeting, between Bob Davenport, you and myself, it was agreed that a consent order was not necessary to protect Reichhold as long as installation of the control equipment progressed. A copy of a letter to P.V.S.C. which describes the control equipment and provides an installation timetable is attached hereto.

Reichhold has complied with all of the milestones outlined in that letter and therefore requests that any pending action be rescinded.

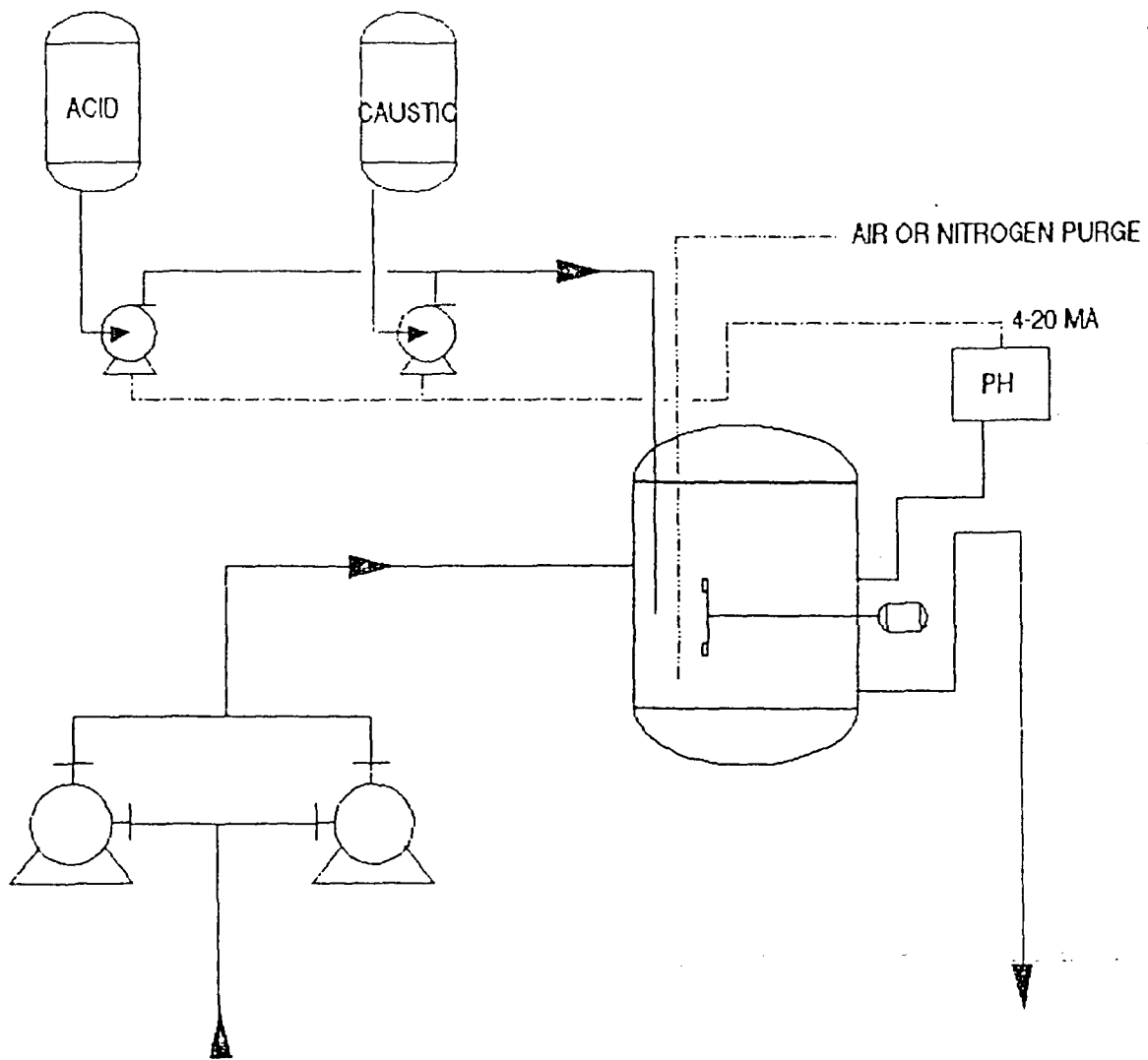
Please let me know if I can provide any further information. Your acknowledgement of the above would be greatly appreciated.

Very truly yours,

REICHHOLD CHEMICALS, INC.


Robert Naujalis
Environmental Engineer

RN:cl
Att:
cc: K. Taylor



Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

Site - PVSC

REICHHOLD

December 10, 1991

Passaic Valley Sewerage Commissioners
600 Wilson Avenue
Newark, New Jersey 07105

ATTENTION: Mr. Carmine T. Perrapato

Re: Notice of Violation
Permit #20406320
Date: 9/26/91
Cert R.R.

Dear Mr. Perrapato,

In response to your letter dated December 5, 1991, I am pleased to inform you that our new pH control system is installed and on line as of December 5, 1991.

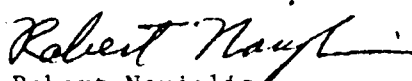
At our June meeting, between Bob Davenport, you and myself, we agreed that a consent order was not necessary to protect Reichhold as long as installation of the control equipment progressed. A copy of a letter to P.V.S.C. which describes the control equipment and provides an installation timetable is attached hereto.

Reichhold has complied with all of the milestones outlined in that letter and therefore requests that any pending action be rescinded.

Please let me know if I can provide any further information. Your acknowledgement of the above would be greatly appreciated.

Very truly yours,

REICHHOLD CHEMICALS, INC.


Robert Naujalis
Environmental Engineer

RN:cl
Att:
cc:

RONALD W. GIACONIA
CHAIRMAN

JAMES KRONE
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
DOMINIC W. CUCCINELLO
RAYMOND LUCHKO
FRANK ORECHIO
DONALD TUCKER
COMMISSIONERS

Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

December 7, 1992

Reichhold Chemicals, Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
P 093 844 777

Attn: Robert Naujelis

**RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: 11/21/92
SECTION VIOLATED: 40 CFR 403.12(e)**


Dear Mr. Naujelis:

You are put on notice that your company is in violation of 40 CFR 403.12(e), as the monthly report on continued compliance was submitted without sample results for the period 10/01/92 to 10/31/92. The samples reported were taken on 11/02/92 and thus would not be applicable to an October report. In addition, the Clean Water Enforcement Act makes users responsible for the absolute accuracy of the reports, and allows fines to be assessed for missing and/or incorrect data. Passaic Valley Sewerage Commissioners have reviewed your MR-1 report and found it to be deficient. Attached is a listing of the deficiencies that need correction. You are hereby directed to submit any corrections to the MR-1 Form on a new corrected form. Failure to resubmit these corrections within fifteen days may result in the imposition of fines for this report.

Please return your corrected MR-1 Report or any other corrected data to the attention of the PVSC Industrial Department. Your immediate attention to this matter is imperative to avoid further enforcement action. Please call Mario Graglia at (201) 817-5724 with any questions.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank D'Ascensio
City of Newark

8428910561

MR-1 FORM DEFICIENCIES

Company Name: Reichhold Chemical, Inc.
Violation Date: 10/01/92 - 10/31/92
Permit #: 20406320

8. Permittee out of Compliance with Categorical Pretreatment Limitations.
9. Proper Compliance/Non-Compliance statement not provided correctly. The company cannot assume compliance if they did not sample, and should state that compliance was not determinable.
10. Compliance Schedule not submitted.
17. Samples not taken during this reporting period.

P 631 703 376

Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)



Sent to	PVSC, Ind. Dept.	
Street & No.	600 Wilson Avenue	
P.O. State & ZIP Code	Newark, NJ 07105	
Postage	\$	
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Address of Delivery		
TOTAL Postage & Fees	\$	
Postmark or Date		

PS Form 3800, June 1990

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

PVSC
600 Wilson Avenue
Newark, NJ 07105
Attn.: Industrial Dept.

4a. Article Number

P 631 703 376

4b. Service Type

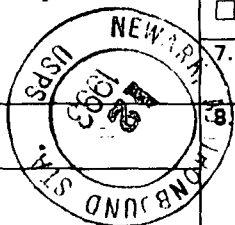
- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)



PS Form 3811, November 1990 *U.S. GPO: 1991-287-006

DOMESTIC RETURN RECEIPT

8428910563

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

January 26, 1993

PASSAIC VALLEY SEWERAGE COMMISSIONERS
600 Wilson Avenue
Newark, NJ 07105
Attn.: Industrial Dept.

Dear Sir:

In response to your letter of January 11, 1993, that was received on January 14, 1993, we wish to respond as follows.

1. The period of alleged non-compliance occurred during the weekend of October 31, 1992 to the morning of Monday, November 2, 1992, during which time there was no activity at the site. The system was calibrated on Monday, November 2, 1992 and any error in readings would have then been corrected.

2. Our tape of pH for November 1992 had been stored in a lower desk drawer in the plant engineer's office after it was removed to be held for PVSC review. The storm of December 11, 1992 put this office under 2 feet of water, which destroyed all records stored below that level. In addition to that pH tape, many other records were destroyed. The water level in the office was by far the highest ever seen for the last 31 years.

We will ensure that pH tapes will be protected and safely stored for PVSC review in the future by storing them in a better protected area.

If you require any additional information on this, please call me at 589-2716.

Very truly yours,

Arthur E. Dieffenbach

Arthur E. Dieffenbach *gjm*
Plant Engineer

PVSC
CALLED 2/6/93
LETTER UNACCEPTABLE
NEED RESPONSE TO STEPS
to PREVENT RECURRENCE

Reichhold Chemicals, Inc.

Coating Polymers & Resins
46 Albert Avenue
Newark, New Jersey 07105

REICHHOLD

January 6, 1993

Mr. Mario Graglia
PASSAIC VALLEY SEWERAGE COMMISSIONERS
600 Wilson Avenue
Newark, NJ 07105

Dear Mr. Graglia:

This letter is to inform you that our tape records of our pH and LEL monitoring equipment collected for the month of November 1992 for our facility at 400 Doremus Avenue were destroyed in the flood that occurred at that facility on December 11, 1992.

Sincerely yours,


Arthur E. Dieffenbach
Plant Engineer

RONALD W. GIACONIA
CHAIRMAN

JAMES KRONE
VICE CHAIRMAN

ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
DOMINIC W. CUCCINELLO
RAYMOND LUCHKO
FRANK ORECHIO
DONALD TUCKER
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

**600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951**

January 11, 1993

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Reichhold Chemical Inc.
300-400 Doremus Avenue
Newark, NJ 07105
Attn: Arthur Dieffenbach

**CERTIFIED RECEIPT
P 093 844 907**

*RECEIVED
1/13/93*

**RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: 1/5/93
SECTION VIOLATED: 312.1(B)**

Dear Mr. Dieffenbach:

On 1/5/93 a routine inspection was made of your pH control system. The pH recorder charts were to be reviewed for the period from 10/2/92 to 12/31/92. During October the pH was out of compliance below 5.0 for a total 32.27 hours, or 4.3% of the time. The longest excursion was for 12.75 hours on 10/31/92, and the lowest pH in the month was 0.0 on the same day. In November, the tapes from 11/3/92 to 11/30/92 were claimed to be destroyed during the flooding of 12/11/92, and were not presented to the Inspector. During 11/1/92 to 11/2/92, the pH was out of compliance for 21.97 hours below 5.0. The longest was for 3.33 hours on 11/1/92, and the lowest pH was 3.8 on 11/2/92. You claimed that these were due to failure of the pH probe. In December, there were three spikes below 5.0, with the lowest pH being 2.2 on 12/8/92. Federal Regulations do not permit pH excursions below 5.0 for any length of time, more than 1% in any calendar month or more than 1 hour at any particular time above 10.5. PVSC limits are between 5.0 and 10.5. As a result Reichhold Chemical Inc. has violated the PVSC Rules and Regulations as outlined below:

1. 312.1(B) - refers to the discharge of corrosive waste which could cause damage to the sewer system.
2. 314.1 - refers to the notification procedure to be used in the event an individual user is unable to comply with the limitations contained in the PVSC Rules and Regulations or in the Sewer Connection Permit.
3. 317.2 - refers to availability of compliance records.

In a letter to PVSC dated 9/28/92, Mr. Naujelis stated that to make sure the pH does not exceed compliance for extended periods of time, and that pH would be monitored hourly by the facility guard service.

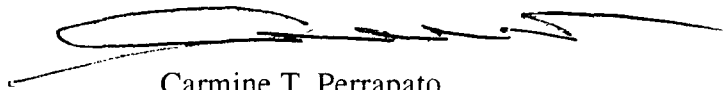
8428910566

Reichhold Chemical
January 11, 1993
Page 2

Since the pH cannot go below 5.0 for any length of time, this action is not the solution. Please respond to this letter in writing within 10 days with a plan designed to eliminate pH excursions in the future. Failure to do so could result in fines and other penalties. If you have any questions concerning this matter, please contact Mario Graglia at (201) 817-5724.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato
Executive Director

CTP/sml

cc: Robert Davenport, Deputy Executive Director
Frank P. D'Ascensio
City of Newark

8428910567

RONALD W. GIACONIA
CHAIRMAN

JAMES KRONE
VICE CHAIRMAN

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THOMAS J. CIFELLI
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DONALD TUCKER
COMMISSIONERS

**Passaic Valley
Sewerage Commissioners**

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

July 29, 1993

*Received
Aug 2, 1993
JED*

Reichhold Chemical, Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
P 093 844 744

Attn: Art Dieffenbach

**RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: 07/22/93
SECTION VIOLATED: 312.1(B)**

Dear Mr. Dieffenbach:

On 07/22/93 a routine inspection was made of your pH control system. The pH recorder charts were reviewed for the period from 06/01/93 to 07/01/93. During June the pH was out of compliance below 5.0 on 06/19/93 into 06/20/93 for a total 24.5 hours. You could not explain the cause, but stated that there was no activity in the plant during this time period. You attributed a 56 hour continuous pH recording below 5.0 from 06/26/93 into 06/28/93 to a badly fouled probe. Federal Regulations do not permit pH excursions below 5.0 for any length of time, more than 1% in any calendar month or more than 1 hour at any particular time above 10.5. PVSC limits are between 5.0 and 10.5. As a result Reichhold Chemical, Inc., has violated the PVSC Rules and Regulations as outlined below:

1. 312.1 (B) - refers to the discharge of corrosive waste which could cause damage to the sewer system.

While PVSC recognizes the fact that fouled probes could have contributed to your non-compliant pH recordings, it is also possible that there could be other causes. In any case, it is Reichhold's responsibility to see that the problem is eliminated. Please respond to this letter in writing within 10 days with a plan designed to keep your pH in compliance in the future. Failure to do so could result in fines and other penalties. You should forward this response to the attention of the Industrial Department.

8428910568

RE: NOTICE OF VIOLATION - REICHHOLD CHEMICAL, INC - DOREMUS AVE

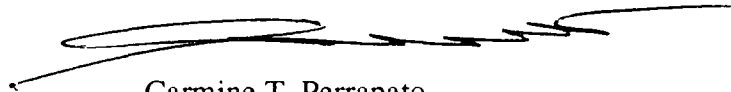
July 29, 1993

Page 2

If you have any questions concerning this matter, please call Mario Graglia at (201) 817-5724.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank P. D'Ascensio
City of Newark

8428910569

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

August 9, 1993

PASSAIC VALLEY SEWERAGE COMMISSIONERS
600 Wilson Avenue
Newark, NJ 07105
Attn.: Industrial Dept.

Dear Sirs:

This letter is in response to your violation notice of July 29, 1993. As we indicated during your inspection visit, the cause for these excursions was fouling of the pH probe and extremely low flow during weekend period at the plant.

Our security guards had been instructed to read and record the pH hourly and notify company management in the event of excursion. The recording was being done, but the notification failed to occur, and therefore, when the pH probe became fouled, corrective action was not taken on two occasions.

Therefore, we have decided to replace our guard service effective Sept. 1, 1993, and plan to stress strongly, the importance of monitoring the pH of our effluent. When we begin operating the facility again, it is expected that our waste flow will increase and reduce possibility of fouling.

If you require any additional information on this matter, please call me.

Sincerely,

Arthur E. Dieffenbach, Jr.

Arthur E. Dieffenbach
Plant Engineer

Certified Mail
No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Shown Date, and by	
TOTAL	

**STICK IT
CERTIFIED MAIL**

1. If you want leaving the rec your rural car
2. If you do address of
3. If you return rec ends if so **REQUI**
4. If y endors
5. Et retu
- 6.

00 June 1991

(201) 589-3709
(201) 817-9173 (Facsimile)

8428910570

M. Bax
RONALD W. GIACONA
CHAIRMAN

JAMES KRONE
VICE CHAIRMAN

DANIEL F. BECHT
ROBERT M. BURKE, JR.
THOMAS J. CIFELLI
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COMMISSIONERS

Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
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(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

January 26, 1994

Reichhold Chemicals
300-400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
P 252 570 176

Attn: Art Dieffenbach

RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: 01/20/94
SECTION VIOLATED: 312.1 (B)

Dear Mr. Dieffenbach:

On 01/20/94 a routine inspection was made of your pH control system. The pH recorder charts were reviewed for the period from 11/01/93 to 01/03/94. During November the pH went below 5.0 on two occasions for a total 37.5 hours. In both cases, you attributed these recordings to paper towels wrapped around the pH probe, causing errant readings. While PVSC recognizes that this could be the case it is also possible that the errant readings could have another cause. In any case it is Reichhold's responsibility to see that this problem is eliminated. Federal Regulations do not permit pH excursions below 5.0 for any length of time, more than 1% in any calendar month or more than 1 hour at any particular time above 10.5. PVSC limits are between 5.0 and 10.5. As a result Reichhold Chemicals has violated the PVSC Rules and Regulations as outlined below:

1. 312.1 (B) refers to the discharge of corrosive waste which could cause damage to the sewer system.


The only way we can monitor the pH of your discharge is by examination of your continuous pH recorder tapes. Therefore, we expect that you develop a plan to eliminate this problem. Please respond to this letter in writing within 10 days with the aforementioned plan. Failure to do so result in enforcement action.

RE: NOTICE OF VIOLATION - REICHHOLD CHEMICALS - DOREMUS AVENUE
January 26, 1994
Page 2

If you have any questions concerning this matter, please call Mario Graglia at (201) 817-5724.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank P. D'Ascensio
City of Newark

Reichhold Chemicals, Inc.

Coating Polymers & Resins
46 Albert Avenue
Newark, New Jersey 07105

REICHHOLD

DATE : FEBRUARY 02, 1994.

PASSAIC VALLEY SEWERAGE COMMISSIONERS
600 WILSON AVENUE
NEWARK, NEW JERSEY 07105

ATTN : INDUSTRIAL DEPARTMENT

Dear Sir:

This letter is in response to your letter dated January 26, 1994 about PH went out of compliance for 37.5 hours for the period from 11/01/93 to 01/03/94.

I looked at the PH charts for the period mentioned in your letter and found that on 11/11/93 the PH was between 4.85 and 5.1 for few hours and again on 11/14/94 the PH was 4.8 on and off for several hours. At both situation Mr. Arthur Dieffenbach has written letters and explained about the problem.

On november 11, 1994 PH was started drifting towards 4.85 around midnight and it is our understanding that there was either very little flow or no flow situation and the probe might be fouled up and kept reading stagnant water in the PH pit. Once the probe was calibrated in the morning, it started recording normal reading of PH 7.2 .

On November 14, 1994 PH started recording 4.8 and again it was Saturday midnight through monday morning during which we don't have normal flow and similar situation where probed fouled and recording low PH. When the problem corrected & PH probe recalibrated, the pH starts recording 7.1 . Also the maintenance person checked the grab sample and found that the actual PH reading of the water was 6.2 .

PAGE-1

(800) 548-5456
TEL. (201) 589-3875
(212) 287-2489
FAX: (201) 589-2898

Reichhold Chemicals, Inc.

Coating Polymers & Resins
46 Albert Avenue
Newark, New Jersey 07105

REICHHOLD

I am concluding from both situation that either the probe fouled which recorded low ph or stagnant water and no flow situation has created low reading on the recorder.

Once the plant is in full operation, It is possible that we may not have low flow or no flow problem and also will adjust our PH alarm for hi and low ph as such to avoid any hi/low PH recording.

If you have any question, please contact me or Mr. Art Dieffenbach during regular business hours.

Sincerely,

Mike Baxi

Mike Baxi
Environmental Engineer

C: ART DIEFFENBACH
KEN MAY.

PAGE-2

(800) 548-5456
TEL. (201) 589-3875
(212) 267-2489
FAX: (201) 589-2898

FEB 4, 1994 10:59AM P.05

919 990 7707

TO:

FROM: NEWARK-ALBERT AVE.

Who Must Report

- All Facilities with the Potential To Emit (PTE):

If PTE for VOC is between
10 and 25 tons per year,
report:

VOC - 10 tons/year
NO_x
CO

If PTE for VOC > 25
tons/year or any other
threshold, report:

VOC - 25 tons/year
NO_x - 25 tons/year
CO - 100 tons/year
SO₂ - 100 tons/year
TSP - 100 tons/year
PM₁₀ - 100 tons/year
Lead - 5 tons/year

Report all pollutants

Notable Changes (continued)

*extension
program*

- Extensions of April 15, 1994 deadline now possible
- New procedures to be removed from Emission Statement reporting
- Added a "Source did not Operate" check box to all forms
- More than one air contaminant can be reported on Form B, F and D
- ✓ ● Bibliography of available calculation methodologies available
- Specific check boxes for the calculation methodology were removed and replaced with a line for inserting the calculation methodology code (Page 96 of the Guidance Document)

Attorney(s): **GABRIEL M. AMBROSIO, ESQ.**

Office Address & Tel. No.: **464 Valley Brook Avenue, P.O. Box 911
Lyndhurst, NJ 07071 (201) 933-8844**

Attorney(s) for Plaintiff(s)

PASSAIC VALLEY SEWERAGE	:	SUPERIOR COURT OF NEW JERSEY
COMMISSIONERS, a body	:	ESSEX COUNTY : CHANCERY DIVISION
politic and corporate of the	:	
State of New Jersey,	:	DOCKET NO. C-323-93
	:	
Plaintiffs,	:	Civil Action
	:	
vs.	:	SUMMONS
	:	
REICHHOLD CHEMICALS, INC.	:	
	:	
Defendant.	:	

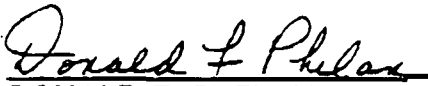
The State of New Jersey, to Above Named Defendant:

REICHHOLD CHEMICALS, INC., 390-400 Doremus Avenue, Newark, NJ

DEFENDANT, YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and required to serve upon the attorney(s), for the plaintiff(s), whose name and office address appears above, an answer to the annexed Complaint within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the Complaint. You shall promptly file your answer and proof of service thereof in duplicate with the Clerk of the Superior Court, CN-971, Trenton, New Jersey 08625, in accordance with the rules of civil practice and procedure.

If you cannot afford to pay an attorney, call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a county lawyer referral service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service toll-free 800-792-8315 (within New Jersey) or 609-394-1101 (from out of state). The phone numbers for the county in which this action is pending are: Lawyer Referral Service, (201) 622-6207, Legal Services Office (201) 624-4500.

Dated: December 29, 1993.


DONALD F. PHELAN
Clerk of the Superior Court

Name of Defendant to be served:
Address for service:

Reichhold Chemicals, Inc.
390-400 Doremus Avenue, Newark, NJ

8428910577

GABRIEL M. AMBROSIO, ESQ.
 464 Valley Brook Avenue
 P.O. Box 911
 Lyndhurst, New Jersey 07071
 (201) 933-8844
 Attorneys for Plaintiff

SUPERIOR COURT OF NEW JERSEY
 : CHANCERY DIVISION - ESSEX COUNTY

PASSAIC VALLEY SEWERAGE
 COMMISSIONERS, a body politic :
 and corporate of the State of :
 New Jersey, :

DOCKET NO: C- 323-93

Civil Action

Plaintiff, :

v. :

COMPLAINT

REICHOLD CHEMICALS, INC., :

Defendant. :

Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS, having its principal offices located at 600 Wilson Avenue, in the City of Newark, County of Essex and State of New Jersey, says by way of complaint:

THE PARTIES

1. Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS ("PVSC"), is a body politic and corporate organized pursuant to the laws of the State of New Jersey and is charged with the responsibility of protecting the streams and rivers within its sewerage and drainage district from pollution.

2. In accordance with N.J.S.A. 58:14-1 et seq., the PVSC adopted rules and regulations to enforce its statutory mandate. In addition, the PVSC is authorized to enforce its mandate and its rules and regulations, through the filing of law suits, against any

8428910578

person that discharges sewerage or other polluting matter directly or indirectly into the waters for which it is responsible.

3. The defendant, Reichhold Chemicals, Inc. ("Reichhold") is believed to be a corporation of the State of New Jersey. Reichhold operates an industrial facility located at 390-400 Doremus Avenue, Newark, New Jersey (the "Facility"), from which it discharges industrial and other wastes to the PVSC Treatment Works.

COUNT ONE

4. In accordance with its rules and regulations, the PVSC issued Sewer Connection Permit No. 20406320 ("Permit"), with an effective date of October 16, 1989, and an expiration date of October 16, 1994, which authorizes Reichhold to discharge to the PVSC Treatment Works.

5. Among other conditions, Part C(2) of the Permit and Section 313.1 of the rules and regulations of the PVSC, require that Reichhold comply with the Organic Chemicals, Plastics and Synthetic Fibers ("OCPSF") Categorical Pretreatment Standards adopted by the United States Environmental Protection Agency ("EPA") at 40 C.F.R. 414. The Permit further directs that the defendant comply with the monitoring and reporting requirements set forth at 40 C.F.R. 403.12(e) and to report to the PVSC the results of that monitoring on Monitoring Report forms. ("MR-1 Forms").

6. Beginning on or about July 1991, and continuing to the present, Reichhold has submitted MR-1 Forms to the PVSC in accordance with the conditions of its Permit. Review of the defendant's MR-1 Forms demonstrates that Reichhold exceeded the

OCPSF discharge limitations for the following pollutants on the following dates and in the following amounts:

<u>Sample Date</u>	<u>Parameter</u>	<u>Sample Result</u>	<u>Discharge Limitation</u>
Jul 91 (a)	lead	15.15146 gr/day	9.80224
Aug 91 (a)	zinc	54.06941 gr/day	32.16361
10/15/91	toluene	20.63025 gr/day	2.26677
10/15/91	ethylbenzene	45.69164 gr/day	11.64016
Oct 91 (a)	zinc	38.50110 gr/day	32.16361
	toluene	20.63025 gr/day	0.85770
	lead	12.13117 gr/day	9.80224
	ethylbenzene	45.69164 gr/day	4.34974
11/05/91	ethylbenzene	19.61745 gr/day	11.64016
	toluene	9.64433 gr/day	2.26677
Nov 91 (a)	ethylbenzene	19.61745 gr/day	4.34974
	toluene	9.64433 gr/day	0.85770

(a) = Monthly average discharge
gr/day = Grams per day

7. The defendant's discharge of pollutants in excess of the OCPSF Categorical Pretreatment limitations of its Permit and 40 C.F.R. 414 is a violation of the rules and regulations of the PVSC and an unlawful act in violation of N.J.S.A. 58:14-1 et seq.

8. The monthly average discharge violations identified in paragraph (6) of this Complaint (with the exception of the monthly average discharge of zinc during the period October 1991) also constitute "serious violations" as that term is defined under N.J.S.A. 58:10A-3(v) of the New Jersey Water Pollution Control Act,

N.J.S.A. 58:10A-1 et seq.

9. Based upon the foregoing violations of the rules and regulations of the PVSC and the Permit, the PVSC advised Reichhold to take immediate steps to prevent continued violation of the rules and regulations of the PVSC and the Permit. To date, Reichhold has failed to comply with the directives of the PVSC and therefore, is likely to continue to exceed its discharge limitations for the parameters identified in paragraph (6) of this Complaint.

10. If continued, the unlawful acts and practices of the defendant will adversely affect or threaten to adversely effect public health or safety or the operation of the PVSC system.

WHEREFORE, the Passaic Valley Sewerage Commissioners demand the entry of an Order against the defendant:

(a) Declaring the defendant to be in violation of the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(b) Declaring the defendant to be a "significant noncomplier," as that term is defined under N.J.S.A. 58:10A-3(w), for having committed the "serious violations" described hereunder;

(c) Enjoining the defendant from further violations of the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(d) Revoking Sewerage Connection Permit No. 20406320 for having violated the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(e) Assessing civil penalties against the defendant for having engaged in unlawful acts and practices described herein;

(f) Assessing attorney's fees and cost against the defendant;

(g) For such other relief as the Court deems just and proper.

GABRIEL M. AMBROSIO, ESQ.

Dated: December 15, 1993

by: 

John T. Ambrosio, Esq.
Attorneys for Plaintiff

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court and is likewise not the subject of any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action and that I am not aware of any other parties who should be joined in this action.

GABRIEL M. AMBROSIO, ESQ.

Dated: December 15, 1993

by: John T. Ambrosio, Esq.
Attorneys for PlaintiffJTA:ja
Reichhold.cmp

Company	Month	Parameter	Sample Mass	Mass Unit	BMR Avg Limit	BMR Max Limit	% > Avg	% > Max
Reichhold	Jul-91	lead	15.15146	gr/day	9.80224	21.13608	54.6	0.0
	Aug-91	zinc	54.06941	gr/day	32.16361	79.94953	68.1	0.0
	Oct-91	zinc	38.50011	gr/day	32.16361	79.94953	19.7	0.0
		toluene	20.63025	gr/day	.85770	2.26677	2305.3	810.1
		lead	12.13117	gr/day	9.80224	21.13608	23.8	0.00
		ethylbenzene	45.69164	gr/day	4.34974	11.64016	950.4	292.5
	Nov-91	ethylbenzene	19.61745	gr/day	4.34974	11.64016	351.0	68.5
		toluene	9.64433	gr/day	.85770	2.26677	1024.4	325.5

8428910584

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE	CK	CC	CA
CHK / CK NO.			
AMOUNT:			
OVERPAYMENT:			

CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial filings (not motions) under R. 4-5.1.

ATTORNEY NAME GABRIEL M. AMBROSIO, ESQ.	TELEPHONE NUMBER (201) 933-8844	COUNTY OF VENUE ESSEX
FIRM NAME (if applicable) GABRIEL M. AMBROSIO, ESQ.	DOCKET NUMBER (When Available)	
OFFICE ADDRESS 464 Valley Brook Avenue, P.O. Box 911 Lyndhurst, New Jersey 07071	COMPLAINT TYPE (See reverse side of sheet) COMPLAINT	
		JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
NAME OF PARTY (e.g., John Doe, Plaintiff) Passaic Valley Sewerage Commissioners Plaintiff	CAPTION Passaic Valley Sewerage Commissioners vs. Reichhold Chemicals, Inc.	

~~THE INFORMATION PROVIDED BELOW CANNOT BE INTRODUCED INTO EVIDENCE~~

CASE TYPE NUMBER (See reverse side of sheet) 156	Is this a Title 58 action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	--

Check if applicable: ☐ Punitive Damages ☐ Friendly Hearing Source ☐ Declaratory Judgment

CDR Desired? ☐ Yes Specify type: ☒ No

Present Medical Expenses:

☐ \$2500 or less ☐ More than \$2500. If more, do you wish to submit this case to Arbitration? ☐ Yes ☒ No

Briefly describe the case; include any special circumstances that may warrant extended discovery or accounting disposition (See reverse side for additional instructions)

Violation of Sewer Connection Permit and/or N.J.S.A. 58:14-1, et seq.

Describe all pending actions relating to this case, i.e., arising out of the same occurrence or transaction type docket number if known:

ESTIMATED NUMBER OF DAYS TO TRY THE CASE

CASE ASSIGNMENT NUMBER OF DCM CHIEF

TOTAL P.09

8428910585

FILED
Office of the Superior Court Clerk
by Deputy Clerk of the Superior Court
Patricia McGarry Drake

NOV 16 1994

Essex County

GABRIEL M. AMBROSIO, ESQ.
464 Valley Brook Avenue
P.O. Box 911
Lyndhurst, New Jersey 07071
(201) 933-8844
Attorneys for Plaintiff

PASSAIC VALLEY SEWERAGE
COMMISSIONERS, a body politic
and corporate of the state of
New Jersey,
Plaintiff,
v.
REICHHOLD CHEMICALS, INC.,
Defendant.

SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION - ESSEX COUNTY
DOCKET NO: C-32940
Civil Action
COMPLAINT

Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS, having its principal offices located at 600 Wilson Avenue, in the City of Newark, County of Essex and State of New Jersey, says by way of complaint:

THE PARTIES

1. Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS ("PVSC"), is a body politic and corporate organized pursuant to the laws of the State of New Jersey for the purpose of collecting and treating wastewater generated in a four-county area along the Passaic Valley river basin. The PVSC discharges treated wastewater to the receiving waters of the Upper New York Harbor pursuant to the terms and conditions of New Jersey Pollutant Discharge Elimination System ("NJPDDES") Permit No. NJ0021016, issued by the New Jersey Department of Environmental Protection ("NJDEP")

8428910586

pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the Federal Water Pollution Control Act, 33 U.S.C.A. § 1251 et seq.

2. In accordance with N.J.S.A. 58:14-1 et seq., the PVSC adopted rules and regulations to implement the federal and state pretreatment standards by which all industrial dischargers to the PVSC system are governed. In addition, the PVSC is authorized to enforce its rules and regulations through the filing of law suits against any person that discharges sewerage or other polluting matter directly or indirectly into the waters for which the PVSC is responsible.

3. The defendant, Reichhold Chemicals, Inc. ("Reichhold") is believed to be a corporation of the State of New Jersey. Reichhold operates an industrial facility located at 390-400 Doremus Avenue, Newark, New Jersey (the "Facility"), from which it discharges industrial and other wastes to the PVSC Treatment Works.

COUNT ONE

4. In accordance with its rules and regulations, the PVSC issued Sewer Connection Permit No. 20406320 ("Permit"), with an effective date of October 16, 1989, and an expiration date of October 16, 1994, which authorizes Reichhold to discharge to the PVSC Treatment Works. On or about October 16, 1994, the Permit was renewed for an additional five year period.

5. Among other conditions, Part C(2) of the Permit and Section 313.1 of the rules and regulations of the PVSC, require that Reichhold comply with the Organic Chemicals, Plastics and

Synthetic Fibers ("OCPSF") Categorical Pretreatment Standards adopted by the United States Environmental Protection Agency ("EPA") at 40 C.F.R. 414. The Permit further directs that the defendant comply with the monitoring and reporting requirements set forth at 40 C.F.R. 403.12(e) and to report to the PVSC the results of that monitoring on Monitoring Report forms. ("MR-1 Forms").

6. Beginning on or about June 1994, and continuing to the present, Reichhold has submitted MR-1 Forms to the PVSC in accordance with the conditions of its Permit. Review of the defendant's MR-1 Forms demonstrates that Reichhold exceeded the OCPSF discharge limitations for the following pollutants on the following dates and in the following amounts:

<u>Sample Date</u>	<u>Parameter</u>	<u>Sample Result</u>	<u>Discharge Limitation</u>
Jun 94 (a)	Toluene	1.55171 g/day	0.85770 g/day
	Ethylbenzene	7.19634 g/day	4.34974 g/day
	Methylene Chloride	1.66415 g/day	1.10275 g/day
07/12/94	Toluene	2.71055 g/day	2.26677 g/day
	Ethylbenzene	61.95549 g/day	11.64016 g/day
Jul 94 (a)	Toluene	2.71055 g/day	0.85770 g/day
	Ethylbenzene	61.95549 g/day	4.34974 g/day

(a) = Monthly average discharge
g/day = Grams per day

7. The defendant's discharge of pollutants in excess of the OCPSF Categorical Pretreatment limitations of its Permit and 40 C.F.R. 414 is a violation of the rules and regulations of the PVSC and an unlawful act in violation of N.J.S.A. 58:14-1 et seq.

8. Each monthly average discharge violations identified in paragraph (6) of this Complaint also constitutes a "serious

violation" as that term is defined under N.J.S.A. 58:10A-3(v) of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

9. Based upon the foregoing violations of the rules and regulations of the PVSC and the Permit, the PVSC advised Reichhold to take immediate steps to prevent continued violation of the rules and regulations of the PVSC and the Permit. To date, Reichhold has failed to comply with the directives of the PVSC and therefore, is likely to continue to exceed its discharge limitations for the parameters identified in paragraph (6) of this Complaint.

10. If continued, the unlawful acts and practices of the defendant will adversely affect or threaten to adversely effect public health or safety or the operation of the PVSC system.

WHEREFORE, the Passaic Valley Sewerage Commissioners demand the entry of an Order against the defendant:

(a) Declaring the defendant to be in violation of the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(b) Declaring the defendant to be a "significant noncomplier," as that term is defined under N.J.S.A. 58:10A-3(w), for having committed the "serious violations" described hereunder;

(c) Enjoining the defendant from further violations of the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(d) Revoking Sewerage Connection Permit No. 20406320 for having violated the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(e) Assessing civil penalties against the defendant for having engaged in unlawful acts and practices described herein;

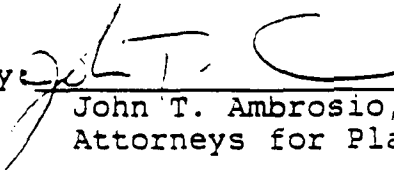
(f) Assessing attorney's fees and cost against the defendant;

(g) For such other relief as the Court deems just and proper.

GABRIEL M. AMBROSIO, ESQ.

Dated: Nov. 10, 1994

by


John T. Ambrosio, Esq.
Attorneys for Plaintiff

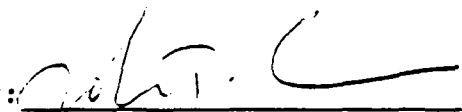
RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court and is likewise not the subject of any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action and that I am not aware of any other parties who should be joined in this action.

GABRIEL M. AMBROSIO, ESQ.

Dated: Nov. 10, 1994

by:


John T. Ambrosio, Esq.

December 19, 1994

609-354-3079

Clerk, Superior Court
Chancery Division
247 Hall of Records
465 Dr. Martin Luther King Blvd.
Newark, New Jersey 07102

Re: Passaic Valley Sewerage Commissioners v.
Reichhold Chemicals, Inc.

Dear Sir:

Enclosed please find the original and two copies of a
Stipulation Extending Time to Answer in the above referenced matter.
Kindly return the appropriate copy bearing the requisite filing
information to me in the self-addressed stamped envelope.

Very truly yours,

ROBERT T. EGAN

RTE:bh
Encl.
cc: John Ambrosio, Esquire
bcc: Daniel Uyesato, Esquire
32782

8428910592

Attorney(s): Archer & Greiner, A Professional Corporation
Office Address & Tel. No.: One Centennial Square
Haddonfield, NJ 08033

Attorney(s) for Defendant

By: Robert T. Egan, Esquire

PASSAIC VALLEY SEWERAGE
COMMISSIONERS, a body politic
and corporate of the State of
New Jersey, Plaintiff(s)

vs.

REICHHOLD CHEMICALS, INC., Defendant(s)

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
ESSEX COUNTY

Docket No. C-329-94

CIVIL ACTION

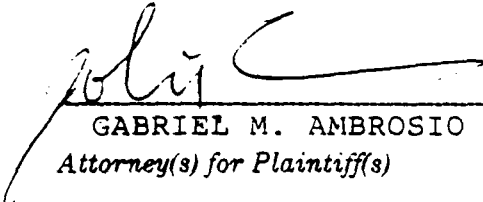
STIPULATION EXTENDING
TIME FOR ANSWER

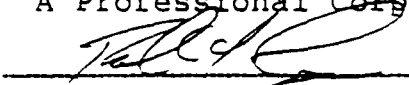
It is hereby stipulated and agreed by and between the attorney(s) for plaintiff(s) and the attorney(s) for defendant(s) REICHHOLD CHEMICALS, INC.

that the time within which the said defendant(s) may serve and file a responsive pleading to the Complaint is hereby extended ~~for a period of xxxxxxxx days~~ to January 27, 1995.

Dated: 12/8/94

19


GABRIEL M. AMBROSIO
Attorney(s) for Plaintiff(s)

ARCHER & GREINER
A Professional Corporation

ROBERT T. EGAN
Attorney(s) for Defendant(s)

8428910593

Attorney(s): **C. BRIEL M. AMBROSIO, ESQ.**

Office Address & Tel. No.: **464 Valley Brook Avenue, P.O. Box 911
Lyndhurst, NJ 07071 (201) 933-8844**

Attorney(s) for Plaintiff(s)

PASSAIC VALLEY SEWERAGE :
COMMISSIONERS, a body :
politic and corporate of the :
State of New Jersey, :

Plaintiffs, :

vs. :

REICHHOLD CHEMICALS, INC. :

Defendant. :

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY : CHANCERY DIVISION

DOCKET NO. C-329-94

Civil Action

SUMMONS

The State of New Jersey, to Above Named Defendant:

REICHHOLD CHEMICALS, INC., 390-400 Doremus Avenue, Newark, NJ

DEFENDANT, YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and required to serve upon the attorney(s), for the plaintiff(s), whose name and office address appears above, an answer to the annexed Complaint within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the Complaint. You shall promptly file your answer and proof of service thereof in duplicate with the Clerk of the Superior Court, CN-971, Trenton, New Jersey 08625, in accordance with the rules of civil practice and procedure.

If you cannot afford to pay an attorney, call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a county lawyer referral service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service toll-free 800-792-8315 (within New Jersey) or 609-394-1101 (from out of state). The phone numbers for the county in which this action is pending are: Lawyer Referral Service, (201) 622-6207, Legal Services Office (201) 624-4500.

Dated: November 21, 1994

Donald F. Phelan

DONALD F. PHELAN

Clerk of the Superior Court

Name of Defendant to be served:
Address for service:

Reichhold Chemicals, Inc.
390-400 Doremus Avenue, Newark, NJ

8428910594

FILED
Office of the Superior Court Clerk
by Deputy Clerk of the Superior Court
Patricia McGarry Drake

NOV 16 1994

Essex County

GABRIEL M. AMBROSIO, ESQ.
464 Valley Brook Avenue
P.O. Box 911
Lyndhurst, New Jersey 07071
(201) 933-8844
Attorneys for Plaintiff

PASSAIC VALLEY SEWERAGE
COMMISSIONERS, a body politic
and corporate of the state of
New Jersey,
Plaintiff,
v.
REICHHOLD CHEMICALS, INC.,
Defendant.

SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION - ESSEX COUNTY
DOCKET NO: C-32990
Civil Action
COMPLAINT

Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS, having its principal offices located at 600 Wilson Avenue, in the City of Newark, County of Essex and State of New Jersey, says by way of complaint:

THE PARTIES

1. Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS ("PVSC"), is a body politic and corporate organized pursuant to the laws of the State of New Jersey for the purpose of collecting and treating wastewater generated in a four-county area along the Passaic Valley river basin. The PVSC discharges treated wastewater to the receiving waters of the Upper New York Harbor pursuant to the terms and conditions of New Jersey Pollutant Discharge Elimination System ("NJPDES") Permit No. NJ0021016, issued by the New Jersey Department of Environmental Protection ("NJDEP")

8428910595

pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the Federal Water Pollution Control Act, 33 U.S.C.A. § 1251 et seq.

2. In accordance with N.J.S.A. 58:14-1 et seq., the PVSC adopted rules and regulations to implement the federal and state pretreatment standards by which all industrial dischargers to the PVSC system are governed. In addition, the PVSC is authorized to enforce its rules and regulations through the filing of law suits against any person that discharges sewerage or other polluting matter directly or indirectly into the waters for which the PVSC is responsible.

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9. Based upon the foregoing violations of the rules and regulations of the PVSC and the Permit, the PVSC advised Reichhold to take immediate steps to prevent continued violation of the rules and regulations of the PVSC and the Permit. To date, Reichhold has failed to comply with the directives of the PVSC and therefore, is likely to continue to exceed its discharge limitations for the parameters identified in paragraph (6) of this Complaint.

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(c) Enjoining the defendant from further violations of the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(d) Revoking Sewerage Connection Permit No. 20406320 for having violated the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

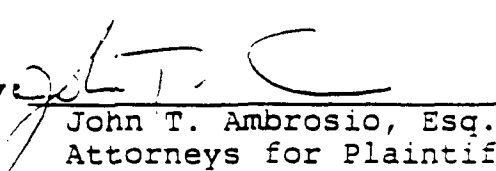
(e) Assessing civil penalties against the defendant for having engaged in unlawful acts and practices described herein;

(f) Assessing attorney's fees and cost against the defendant;

(g) For such other relief as the Court deems just and proper.

GABRIEL M. AMBROSIO, ESQ.

Dated: Nov. 10, 1994

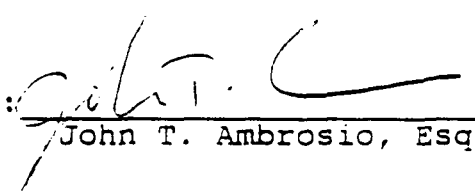
by 
John T. Ambrosio, Esq.
Attorneys for Plaintiff

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court and is likewise not the subject of any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action and that I am not aware of any other parties who should be joined in this action.

GABRIEL M. AMBROSIO, ESQ.

Dated: Nov. 10, 1994

by: 
John T. Ambrosio, Esq.

FOR USI CLERK'S OFFICE ONLY

PAYMENT TYPE: : CK CG CA
CHG/CK NO. :
AMOUNT: :
OVERPAYMENT: :
:

CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial pleadings (not motions) under R.4:5-1.

ATTORNEY NAME : TELEPHONE NUMBER : COUNTY OF VENUE
Gabriel M. Ambrosio, Esq. : (201) 933-8844 : ESSEX

FIRM NAME (If Applicable) : DOCKET NUMBER (When Available)

GABRIEL M. AMBROSIO, ESQ.

OFFICE ADDRESS : DOCUMENT TYPE
464 Valley Brook Avenue : Complaint
Lyndhurst, New Jersey 07071

JURY DEMAND:
: () Yes (X) No

NAME OF PARTY (e.g., John Doe, Plaintiff) : CAPTION
: Passaic Valley Sewerage Commissioners vs.
Passaic Valley Sewerage Commissioners, Plaintiff : Reichhold Chemicals, Inc.

THE INFORMATION PROVIDED BELOW CANNOT BE INTRODUCED INTO EVIDENCE

CASE TYPE NUMBER :
156 : Is this a Title 59 action?
: () Yes (X) No
:

Check if applicable: () Punitive Damages () Friendly Hearing Sought () Declaratory Judgment

CDR Desired? () Yes Specify Type: (X) No

Present Medical Expenses: N/A

() \$2500 or less () More than \$2500, If more, do you wish to submit this to Arbitration?
() Yes () No

Briefly describe the case; include any special characteristics that may warrant extended discovery or accelerated disposition (See reverse side for additional instructions):

Violation of Sewer Connection Permit and/or N.J.S.A. 58:14-1, et seq.

Describe all pending actions related to this case, i.e., arising out of the same occurrence or transaction (give docket number if known):

Estimated Number of Days to Try The Case : Case Assessment (Mandatory for DCM Counties)

Liability: 1 Damages: 1 : () Expedited (X) Standard () Complex

8428910601

CIVIL CASE INFORMATION STATEMENT (CIS)

Side 2. Use for initial pleadings (not motions) under R.4:5-1.

DOCUMENT TYPES

Complaint

Answer

Answer with Counterclaim

Answer with Crossclaim

Answer with Third-Party Complaint

Answer with Counterclaim & Crossclaim

Answer with Counterclaim & Third-Party Complaint

Answer with Crossclaim & Third-Party Complaint

Answer with Counterclaim, Crossclaim & Third-Party Complaint

Third-Party Complaint

Third-Party Answer

Third-Party Answer with Counterclaim

Third-Party Answer with Crossclaim

Third-Party Answer with Counterclaim & Crossclaim

Complaint Intervenor

CASE TYPES: Choose one and enter number of case type in appropriate space on the reverse side.**AUTO NEGLIGENCE**603 Pers. Inj. involved
610 Prop. Damage Only**INSURANCE CLAIM**506 PIP Coverage
505 Other

151

NAME CHANGE

234

FRT PLYWOOD**MALPRACTICE**604 Medical
607 Other Professional**REAL PROPERTY**303 Mt. Laurel
304 Land Use
305 Construction
301 Condemnation
302 Tenancy**OTHER**

399

REAL PROPERTY

599

CONTRACT**OTHER TORT**606 Product Liability
605 Other Pers. Inj.
602 Assault & Battery
609 Defamation
608 Toxic Tort
601 Asbestos175 **FORFEITURE**

699

TORT701 **ACTION IN LIEU OF
PREROGATIVE WRIT**

899

MISCELLANEOUS**CONTRACT**502 Book Acct.
503 Comm'l Transaction
509 Employment005 **CIVIL RIGHTS**156 **ENVIRONMENTAL
LITIGATION**

When completing the case description section, include such characteristics as: anticipated joinder of parties or issues, need for priority handling due to nature or importance of case or likelihood of early disposition. Be specific.

8428910602

GABRIEL M. AMBROSIO, ESQ.
464 Valley Brook Avenue
P.O. Box 911
Lyndhurst, New Jersey 07071
(201) 933-8844
Attorneys for Plaintiff

PASSAIC VALLEY SEWERAGE
COMMISSIONERS, a body
politic and corporate of the State
of New Jersey,

Plaintiff,

vs.

REICHHOLD CHEMICALS, INC.,

Defendant.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY:CHANCERY DIVISION

DOCKET NO.: C-329-94

Civil Action

ACKNOWLEDGEMENT OF SERVICE

I hereby acknowledge receipt of Summons and Complaint directed to the
defendant, **REICHHOLD CHEMICALS, INC.**, on behalf of the said defendant, on
this *23rd* day of *November*, 1994.

ARCHER & GREINER
Attorneys for Defendant

By:



ROBERT T. EGAN

8428910603

Copies to: Jim Freeman
-Duncan
Paul Brustofski

ARCHER & GREINER

A PROFESSIONAL CORPORATION

F. MORSE ARCHER, JR.
(1902-1984)

FREDERICK P. GREINER
(1908-1984)

THOMAS M. BANTYVOGLO
FREDERICK J. ROHLROFF
CHARLES L. HARP, JR.
LEE M. HYMERLING
ROBERT A. KUGLER*
EDWARD C. LAIRD*
L. GERALD RIGBY**
J. HANAN RUNNE*
FRANK R. DEMMERLY, JR.
ROBERT T. EGAN
STEVEN W. SURLAS*
GARY L. GREEN*
GERALD E. DARLING*
SEAN T. O'NEARA*
CHRISTOPHER R. GIBSON*
STEVEN J. FRAM*
ELLIS I. MEDOWARY*
THOMAS A. MUCCOFORI

GEORGE F. KUGLER, JR.*
PETER E. DRISCOLL
CHARLES W. HEUSLER*
ROBERT G. HARBESON*
JOHN V. RORIELLA
ROBERT T. LEHMAN
ARTHUR F. RISDEN
GARY J. LESNESKO
JAMES H. CARILL
FRANK D. ALLEN**
WILLIAM J. THOMPSON*
GORDON R. MOORE II*
TERENCE J. FOX
ROBERT W. BUCKNAM, JR.*
RONALD L. GUICK
THOMAS J. HURLEY
DENISE M. KEYSER*
DEBRA S. ROSEN*

COUNSELLORS AT LAW
ONE CENTENNIAL SQUARE
P.O. BOX 3000
HADDONFIELD, N.J. 08033-0968

609 - 795-2121

FAX 609 - 795-0574

PHILADELPHIA OFFICE

3700 BELL ATLANTIC TOWER

1717 ARCH STREET

PHILADELPHIA, PENNSYLVANIA 19103

215 - 508-4108

FAX 215 - 508-2843

LAUREN P. ALTERMAN
MARTYN S. BABITZ*
HENRY O. BOENNING
ANDREW M. BREWER*
LOUIS L. CHODOFF*
JOHN C. CONNELL*
DAVID A. DOREY*
DEBORAH A. HAYS*
RICHARD S. ISRAEL*
WILLIAM H. KENNEY
KAREN S. LEWIS*
REBECCA N. MANN
LEIF M. NISSEN*
WILLIAM J. O'KANE, JR.*
RONALD J. PATTERSON*
KATHLEEN M. RICCIARDI*
RICHARD F. ROY, JR.*
JAMI SILVERMAN*
CHRISTOPHER S. YOUNG*

GEORGE J. ANDERSON*
DAVID B. BACON*
LEIGH BOVE*
PATRICIA L. CARBONE*
THOMAS A. CINTI
JOHN O. CRANMER*
STEPHEN M. FOGLER*
CRAIG J. HUBER
ARTHUR H. JONES, JR.*
DAVID T. LEWIS*
ROBERT A. MAGNANNINI*
STEVEN K. MIGNOGNA*
MARK J. OBERSTAEDT*
STEPHEN M. PACKMAN*
KELLY R. RAUSCH*
MARC A. ROLLO*
DENIS SEGOTA*
NEAL WALTERS*

*Also Member of Pennsylvania Bar

**Member of Pennsylvania Bar Only
*Certified Civil Trial Attorney

COUNSEL
JOHN P. HAUCH, JR.

SPECIAL COUNSEL
PATRICIA K. WILLIAMS

January 25, 1995

Direct Dial

(609) 354-3050

Clerk, Superior Court of New Jersey
County Courts Building
50 West Market Street
Newark, NJ 07102

Re: Passaic Valley Sewerage Commissioners v. Reichhold Chemicals
Docket No. C-329-94

Dear Sir/Madam:

Enclosed please find an original and one copy of defendant Reichhold's Answer to the Complaint filed in the above-referenced matter, along with our firm's check in the amount of \$80.00 to cover the filing fee of this Answer.

Would you kindly arrange to have this document filed and return a copy marked "filed" to our office in the enclosed self-addressed, stamped envelope.

I thank you in advance for your anticipated cooperation with these requests.

Respectfully yours,

ARCHER & GREINER
A Professional Corporation

BY: 
CRAIG J. HUBER

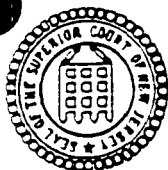
CJH:bp

Enclosures

cc: John T. Ambrosio, Esquire
Daniel Uyesato, Esquire
Mr. Louis Graham, Environmental Coordinator

Reic.ltr

8428910604



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE:	CK	CG	CA
CHG / CK NO.			
AMOUNT:			
OVERPAYMENT:			

ATTORNEY NAME Craig J. Huber, Esquire	TELEPHONE NUMBER (609) 795-2121	COUNTY OF VENUE Essex
FIRM NAME (if applicable) Archer & Greiner, P.C.	DOCKET NUMBER (When available) C-329-94	
OFFICE ADDRESS One Centennial Square Haddonfield, NJ 08033	DOCUMENT TYPE (See reverse side for listing) Answer	
NAME OF PARTY (e.g., John Doe, Plaintiff) Reichhold Chemicals, Inc. Defendant		CAPTION Passaic Valley Sewerage Commissioners, a body politic and corporate of the State of New Jersey v. Reichhold Chemicals, Inc.
JURY DEMAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

THE INFORMATION PROVIDED BELOW CANNOT BE INTRODUCED INTO EVIDENCE.

CASE TYPE NUMBER (See reverse side for listing) 156	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY n/a
CHECK IF APPLICABLE	
<input type="checkbox"/> PUNITIVE DAMAGES	<input type="checkbox"/> FRIENDLY HEARING ONLY
<input type="checkbox"/> VERBAL THRESHOLD ISSUE	<input type="checkbox"/> MTF
<input type="checkbox"/> DECLARATORY JUDGMENT	<input type="checkbox"/> UNINSURED / UNDERINSURED MOTORIST
<input type="checkbox"/> TITLE 5B	<input type="checkbox"/> RELATED CRIMINAL ACTION PENDING
COMPLEMENTARY DISPUTE RESOLUTION (CDR) DESIRED <input type="checkbox"/> YES SPECIFY TYPE: <input checked="" type="checkbox"/> NO	
PRESENT MEDICAL EXPENSES n/a <input type="checkbox"/> \$4500 OR LESS <input type="checkbox"/> MORE THAN \$4500 IF MORE, DO YOU WISH TO SUBMIT THIS CASE TO ARBITRATION? <input type="checkbox"/> YES <input type="checkbox"/> NO	
CASE ASSESSMENT (Mandatory for OCM Counties) <input type="checkbox"/> EXPEDITED (1) <input checked="" type="checkbox"/> STANDARD (2) <input type="checkbox"/> COMPLEX (3)	SUBTRACK ASSIGNMENT REQUESTED (See reverse side for additional instructions) <input type="checkbox"/> PIP EXPEDITED <input type="checkbox"/> UM / UIM EXPEDITED <input type="checkbox"/> ARBITRATION <input type="checkbox"/> PREROGATIVE WRITS EXPEDITED <input type="checkbox"/> COMPLICATED STANDARD <input type="checkbox"/> FORFEITURE <input type="checkbox"/> DECLARATORY JUDGEMENT EXPEDITED <input type="checkbox"/> ASBESTOS <input type="checkbox"/> COMMERCIAL

CASE DESCRIPTION: INCLUDE ANY SPECIAL CHARACTERISTICS THAT MAY WARRANT EXTENDED DISCOVERY OR ACCELERATED DISPOSITION.

Alleged violation of sewer connection permit and/or N.J.S.A 58:14-1, et seq.

DESCRIBE ALL PENDING ACTIONS RELATED TO THIS CASE, I.E., ARISING OUT OF THE SAME OCCURRENCE OR TRANSACTION (Give docket number if known)

None

ESTIMATED NUMBER OF DAYS TO TRY THIS CASE

LIABILITY: 1

DAMAGES: 1

ATTORNEY SIGNATURE

ARCHER & GREINER
A Professional Corporation
One Centennial Square
Haddonfield, New Jersey 08033
(609) 795-2121
Attorneys for Defendant, Reichhold Chemicals, Inc.

BY: CRAIG J. HUBER, ESQUIRE

PASSAIC VALLEY SEWERAGE	:	SUPERIOR COURT OF NEW JERSEY
COMMISSIONERS, a body	:	CHANCERY DIVISION
politic and corporate of	:	ESSEX COUNTY
the State of New Jersey,	:	DOCKET NO. C-329-94
	:	
Plaintiff,	:	Civil Action
	:	
v.	:	
	:	
REICHOLD CHEMICALS, INC.,	:	
	:	ANSWER
Defendant.	:	

Reichhold Chemicals, Inc. (hereinafter "Reichhold"), by way of answer to the Complaint filed by Passaic Valley Sewerage Commissioners does say:

THE PARTIES

1. Upon information and belief, the defendant Reichhold admits the allegations of paragraph 1.
2. The allegations of paragraph 2 merely state a legal conclusion to which no response is required.
3. The defendant Reichhold admits the allegations of the second sentence of paragraph 3. Defendant Reichhold denies it

is incorporated in the State of New Jersey and states it is incorporated in Delaware.

COUNT ONE

4. Defendant Reichhold admits that Sewer Connection Permit No. 20406320 was issued as alleged and was renewed as alleged.

5. Defendant Reichhold admits that the language of Permit No. 20406320 speaks for itself. Defendant Reichhold further states that the remaining allegations of paragraph 5 state legal conclusions to which no response is required.

6. Defendant Reichhold admits that it has submitted MR-1 forms to the plaintiff. Defendant Reichhold admits that the sampling dates, parameters, sample results and discharge limitations as listed in paragraph 6 are accurate.

7. Defendant Reichhold states that paragraph 7 states a legal conclusion to which no reply is necessary.

8. Defendant Reichhold states that paragraph 8 states a legal conclusion to which no reply is required.

9. Defendant Reichhold admits that there have been discussions between the plaintiff and Reichhold concerning Reichhold's Permit. Defendant Reichhold denies the remaining allegations of this paragraph.

10. Defendant Reichhold denies the allegations of paragraph 10.

WHEREFORE, the defendant Reichhold requests entry of an Order by the Court against the plaintiff:

- (a) dismissing the lawsuit against the defendant Reichhold;
- (b) enjoining the plaintiff from revoking the Sewerage Connection Permit No. 20406320 issued to Reichhold;
- (c) assessing attorney's fees and costs against the plaintiff;
- (d) for such other relief as the Court deems just and proper.

ARCHER & GREINER,
A Professional Corporation

BY: 

CRAIG J. HUBER, ESQUIRE
Attorneys for Defendant,
Reichhold Chemicals, Inc.

DATED: *January 25, 1995*

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court and is likewise not the subject of any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action and I am not aware of any other parties who should be joined in this action.

ARCHER & GREINER,
A Professional Corporation

BY: 

CRAIG J. HUBER, ESQUIRE
Attorneys for Defendant,
Reichhold Chemicals, Inc.

DATED: *January 25, 1995*

CERTIFICATION OF SERVICE

I hereby certify that the Answer of the defendant Reichhold to this Complaint was filed in a timely manner and served upon counsel for the plaintiff within the time prescribed by the Rules of Court as extended by Stipulation to Extend Time to Answer.

ARCHER & GREINER,
A Professional Corporation

BY: 

CRAIG J. HUBER, ESQUIRE
Attorneys for Defendant,
Reichhold Chemicals, Inc.

DATED: *January 25, 1995*
Reichhold:Ans
011795

Reichhold Chemicals, Inc.

Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

October 12, 1995

Mr. Frank P. D'Ascensio
Passaic Valley Sewerage Commission
600 Wilson Avenue
Newark, New Jersey 07105

Subject: Final Report
Consent Order and Final Judgment
400 Doremus Avenue Facility
Permit No. 20406320

Dear Mr. D'Ascensio:

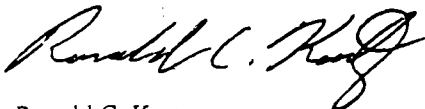
Pursuant to the Consent Order and Final Judgment, the 400 Doremus Avenue facility has completed the following:

- 1) Reichhold has completed the installation of the intermediate holding tank (Tank 310). The purpose of Tank 310 is for the collection of wastewater from the wastewater stripper. The wastewater is sampled and if discharge parameters are met, then discharged to PVSC, otherwise the wastewater is sent back to the stripper.
- 2) From July 15 to August 22, Reichhold tested the system and it's associated equipment.
- 3) On August 22, 1995, PVSC's Andy Caltagirone made an on-site visit at our request to review the new system.
- 4) As of August 23, 1995 Reichhold was testing the system and correcting problems. Accredited Laboratories, Inc., as well as, our in-house laboratory confirmed that all discharges are in compliance with the OCPSF discharge limitations of our Permit and the PVSC's Rules and Regulations.
- 5) Reichhold is in full compliance with all applicable pretreatment standards.

Should you require any additional information, please do not hesitate to contact me at 201-465-2199.

Very truly yours,

REICHHOLD CHEMICAL, INC.



Ronald C. Kurtz
Manager, Environmental
Health & Safety

10-12pvsc.ltr
cc: Jim Freeman
Mike Baxi
Paul Brustofski

F - Doremus - wastewater

DANIEL F. BECHT, ESQ.
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Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

April 10, 1995

cc: Baxi
Paul Bruntz
~~Robert Davenport~~

Mr. James Freeman
Reichhold Chemicals, Inc.
400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
Z 258 625 238

RE: SUSTAINED NOTICE OF VIOLATION

Dear Mr. Freeman:

This is in response to your letter dated 03/14/95, wherein you stated that a 06/02/94 methylene chloride sample result, for which a serious violation was incurred, had associated contamination in the sample blank. As a result, your laboratory advised you that you could assume some quality control problem with that particular sample. Although not specifically stated in your correspondence, there was inference that the sample result should not have resulted in the aforementioned violation.

As explained to your company in the 07/29/94 Notice of Violation (NOV), one way for a serious violation to occur is when the monthly average limit is exceeded by 20 % or more. The methylene chloride violation, as originally written, exceeded the monthly average limit by 50.4 %. Even if the blank amount is subtracted from the effluent concentration, and then converted to mass units (grams/day), the result is still 38.2 % over the monthly average limit.

In view of the above explanation, the violation remains a serious one. Since your company is in the process of settling its 40 CFR 414 violations through our legal staff, a copy of this letter will be forwarded to the PVSC attorney.

8428910612

RE: SUSTAINED NOTICE OF VIOLATION - REICHHOLD CHEMICAL

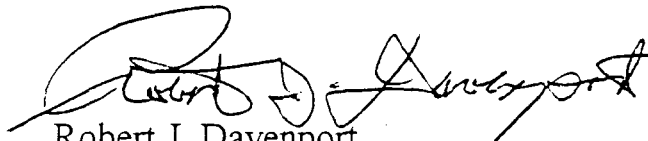
April 10, 1995

Page 2

If you have any questions, please call Andrew Caltagirone at (201) 817-5723.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

A handwritten signature in black ink, appearing to read "Robert J. Davenport", written over a horizontal line.

Robert J. Davenport
Executive Director

RJD/mc

cc: Frank P. D'Ascensio
Gabriel M. Ambrosio, Esq.

8428910613

DANIEL F. BECHT, ESQ.
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NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

cc. P. Brusk

October 21, 1994

Mr. Ken May
Reichhold Chemical, Inc.
400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
P 252 571 827

RE: RESPONSE TO LETTER

Dear Mr. May:

This is in response to your letter dated 10/07/94, which was in answer to Reichhold's Notice of Violation (NOV) for pH dated 09/27/94. The NOV was written for a 1.67 hour exceedance of pH 10.5, which occurred on 07/07/94. Reichhold was additionally cited in the NOV for not notifying PVSC of the excursion. Your letter asserts that the PVSC Inspector misinterpreted the tape on the day in question. You also claimed that the pen recording was erroneous due to a bad probe, and that manual pH readings were written on the chart to indicate the actual effluent readings during the time of the probe failure.

While PVSC understands that probe failures do occur, the recorded excursion of 07/07/94 exhibited normal pen behavior. Additionally, when an Inspector was sent back to your facility on 10/18/94 to review your claims, he was shown a page with manual pH readings, supposedly for the time in question. However, it did not appear to him that this was the case. The only way we can monitor the pH of your discharge is by examination of your pH recorder tapes. If the tapes reveal excursions beyond permitted limits, we must conclude that your company was in violation. As a result, the NOV as originally sent remains in force.

In your aforementioned 10/07/94 letter, you stated that Reichhold is still proceeding with its plans to complete a pH adjustment system upgrade by the end of the year. Hopefully, these improvements will eliminate pH excursions once and for all.

8428910614

RE: RESPONSE TO LETTER - REICHOLD CHEMICALS, INC.

October 21, 1994

Page 2

If you have any questions, please call Andrew Caltagirone at (201) 817-5723.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

A handwritten signature in black ink, appearing to read "Robert J. Davenport", is written over the printed name.

Robert J. Davenport
Executive Director

RJD/mc

cc: Frank P. D'Ascensio

8428910615

DANIEL F. BECHT, ESQ.
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**Passaic Valley
Sewerage Commissioners**

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NEWARK, N.J. 07105
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Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

July 29, 1994

Mr. Arthur Dieffenbach
Reichhold Chemical, Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
P 252 571 666

**RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: JUNE, 1994
SECTION VIOLATED: 40 CFR 414 SV**

Dear Mr. Dieffenbach:

You are put on notice that your company is in violation of Federal Regulation 40 CFR 414 and Section 313.1 of the PVSC Rules and Regulations. A review of your MR-1 for June, 1994 revealed the following mass limit exceedances.

A sample for toluene taken by your company on 06/02/94 resulted in a mass loading of 1.55171grams/day, exceeding the monthly average limit of 0.85770 grams/day, by more than 20%.

A sample for ethylbenzene taken by your company on 06/02/94 resulted in a mass loading of 7.19634 grams/day, exceeding the monthly average limit of 4.34974 grams/day by more than 20%.

A sample for methylene chloride taken by your company on 06/02/94 resulted in a mass loading of 1.66415 grams/day, exceeding the monthly average limit of 1.10275 grams/day by more than 20%.

You should be aware that a monthly average of all samples taken either by you or PVSC that is 20% or more above the monthly average limitation for a hazardous pollutant makes the violation a serious violation and that two (2) serious violations in any six month period would make a company a Significant Non Complier (SNC). In addition, four monthly average violations of any amount in any six month period would also make a company SNC. This would subject your company to mandatory minimum fines under the Clean Water Enforcement Act (CWEA).

8428910616

RE: NOTICE OF VIOLATION - REICHHOLD CHEMICAL, INC.

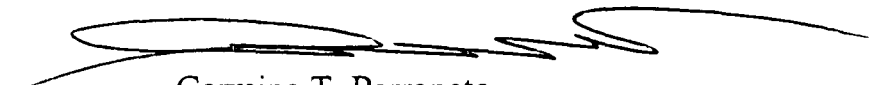
July 29, 1994

Page 2

Based upon the above explanation your company has committed three serious violations. The CWEA stipulates a fine of \$1000 for a serious violation for each parameter violated. You may avoid legal action if you remit \$3000 within 30 days of receipt of this letter. Please make the check payable to Passaic Valley Sewerage Commissioners and forward to the attention of Carmen DellaPia, Operations Coordinator. If this matter cannot be resolved in an informal manner the case will be referred to the PVSC Counsel. If you have any questions, please call Andy Caltagirone at (201) 817-5723.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank P. D'Ascensio
Carmen DellaPia
Andrew Caltagirone
Gabriel M. Ambrosio, Esq.
City of Newark

8428910617

DANIEL F. BECHT, ESQ.
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Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

July 29, 1994

Mr. Arthur Dieffenbach
Reichhold Chemical, Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
P 252 571 669

RE: LEL COMPLIANCE

Dear Mr. Dieffenbach:

On 07/20/94, a routine inspection was made of your LEL monitoring system. The LEL recorder charts were reviewed for the month of June, 1994. During June there were LEL excursions on 06/08/94 (24 hours) to 100%, and on 06/11/94 for 30 minutes (60%), and for 90 minutes (70%). Mr. Baxi believed that the 06/11/94 readings were due to a less than normal temperature in the steam stripper. He also claimed that the discharge was then stopped and recirculated. In addition, the sewer line was said to have been flushed, and the instrument vendor called in for recalibration.

You are reminded that Change 8 to the PVSC Rules & Regulations, upon becoming effective later this year, provides that any LEL of the discharge which exceeds 30% absolute value will be considered a violation, and the appropriate enforcement action taken. Therefore, we expect that you take the necessary steps to ensure compliance in the future. If you have any questions, please call Andy Caltagirone at (201) 817-5723.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank P. D'Ascensio

8428910618

Reichhold Chemicals, Inc.

Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

~~LEADS~~ -PE PVC FWE
PM

REICHHOLD

August 11, 1994

Mr. Andy Caltagirone
Passaic Valley Sewerage Commissioners
600 Wilson Avenue
Newark, NJ 07105

RE: Reichhold Chemicals, Inc.
July 29, 1994 Notice of Violation
Permit #: 20406320

3442951

Dear Mr. Caltagirone:

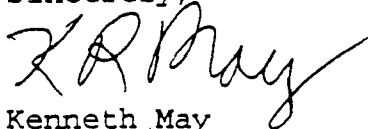
I am responding to the referenced notice of violation regarding June 1994 sampling results of Toluene, Ethylbenzene, and Methylene Chloride.

In accordance with the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-10.1, section e, Reichhold believes that these three incidents of non-compliance, were the results of a single operational occurrence. Please see attached LEL tape.

As explained in attached correspondence, the level of Ethyl Benzene, Toluene and Methylene Chloride were due to a single operational upset of the Waste water stripper treatment system.

Since Reichhold is under a thirty-day timeframe to respond to the July 29, 1994 violation, we would appreciate a prompt response, or extension, until this matter is resolved. Thank you for your cooperation in this matter, and if you require additional information please call me at (201)589-4118 or 589-3709 x 291.

Sincerely,



Kenneth May

cc: P. Brustofski

Tel: (201) 589-3709
Fax: (201) 817-9173

8428910619

6:00 AM

6:20 PM

Newark
Doremus
M.R. - 1
Sample
taken in this
time period.

6:50 PM

8428910620

DANIEL F. BECHT, ESQ.
CHAIRMAN

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VICE CHAIRMAN

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Sewerage Commissioners**

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Fax: (201) 344-2951

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EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

August 18, 1994

Mr. Arthur Dieffenbach
Reichhold Chemical, Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
P 252 571 708

RE: RESPONSE TO LETTER

Dear Mr. Dieffenbach:

This is in reference to your letter dated 08/11/94, wherein Kenneth May of your staff responded to a Notice of Violation sent to your company on 07/29/94. That violation outlined non-compliances for toluene, ethylbenzene, and methylene chloride contained in the June, 1994 MR-1 report. Mr. May claimed that these violations, for which Clean Water Enforcement Act fines were assessed, were the result of a operational upset of the wastewater stripper treatment system, and he therefore wished to establish an affirmative defense of an upset. Section 314.2 of the PVSC Rules and Regulations states in part that "An upset shall constitute an affirmative defense to an action brought for non-compliance if the following requirements are met.

A. The Industrial user shall demonstrate through relevant evidence that:

1. An upset occurred and the industrial user can identify the specific cause (s) of the upset; and that said cause(s) were due to circumstances reasonably beyond the control of the user;"

You have established that a discharge occurred and have identified its specific cause. However, in Appendix A of the PVSC Rules and Regulations, an upset is defined as meaning an exceptional incident in which there is unintentional and temporary non-compliance with technology-based pretreatment standards because of factors beyond the reasonable control of the industrial user. It does *not* include non-compliance to the extent caused by operational error, improperly designed or inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.

In your case, an upset of the wastewater stripper does not in our opinion, meet the above definition. The incident could have been prevented by proper engineering design.

8428910621

RE: RESPONSE TO LETTER - RECIHHOLD CHEMICAL - DOREMUS AVENUE

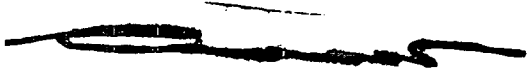
August 18, 1994

Page 2

Therefore, while we appreciate the effort you and your staff have put forth in locating the cause of the discharge, we cannot accept your reason as an affirmative defense of the June violations. As a result, you will still be required to forward the fine amount as instructed and in the allotted timeframe outlined in the 07/29/94 Notice of Violation. Please call Andrew Caltagirone at (201) 817-5723 with any questions.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato
Executive Director

CTP/mc

cc: Robert Davenport, Deputy Executive Director
Frank P. D'Ascensio

8428910622



**Passaic Valley
Sewerage Commissioners**

DANIEL F. BECHT, ESQ.
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600 WILSON AVENUE
NEWARK, N.J. 07105

(201) 344-1800

Fax: (201) 344-2951

September 13, 1994

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

Mr. Arthur Dieffenbach
Reichhold Chemical, Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
P 252 571 259

**RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: JULY, 1994
SECTION VIOLATED: 40 CFR 414 SNC**

Dear Mr. Dieffenbach:

You are put on notice that your company is in violation of Federal Regulation 40 CFR 414 and Section 313.1 of the PVSC Rules and Regulations. A review of your MR-1 for July, 1994 revealed the following mass limit exceedances.

A sample for toluene taken by your company on 7/12/94 resulted in a mass loading of 2.71055 grams/day, exceeding the monthly average limit of 0.85770 grams/day, by more than 20%.

A sample for ethylbenzene taken by your company on 7/12/94 resulted in a mass loading of 61.95549 grams/day, exceeding the monthly average limit of 4.34974 grams/day by more than 20%.

You should be aware that a monthly average of all samples taken either by you or PVSC that is 20% or more above the monthly average limitation for a hazardous pollutant makes the violation a serious violation and that two (2) serious violations in any six month period would make a company a Significant Non Complier (SNC). In addition, four monthly average violations of any amount in any six month period would also make a company SNC. This would subject your company to mandatory minimum fines under the Clean Water Enforcement Act (CWEA). Since your company has committed serious violations for toluene and ethylbenzene in consecutive months, Reichhold is designated as SNC, and the matter is being referred to the PVSC Attorney for further action.

RE: NOTICE OF VIOLATION - REICHOLD CHEMICAL, INC.

September 13, 1994

Page 2

In a related matter, Mr. Paul Brustofski of your corporate offices has made inquiries regarding the \$3000 fine assessed against Reichhold for three serious violations in June 1994, which were outlined in a Notice of Violation dated 7/29/94. Since the July 1994 violations have made the company SNC, the entire matter will be handled through our legal staff including any adjustments to the fine amount. Therefore, you should not pay the \$3000 at this time as previously directed. The revised penalty will be determined through the PVSC counsel. If you have any questions please call Andy Caltagirone at (201)817-5723.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

Carmine T. Perrapato
Executive Director

CTP/sml

cc: Robert Davenport, Deputy Executive Director
Frank P. D'Ascensio
Carmen DellaPia
Andrew Caltagirone
Gabriel M. Ambrosio, Esq.
City of Newark

8428910625

Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

May 28, 1994

CARMINE T. PERRAPATO
EXECUTIVE DIRECTOR

ROBERT J. DAVENPORT
DEPUTY EXECUTIVE DIRECTOR

GABRIEL M. AMBROSIO
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

JOHN J. CIFELLI
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RONALD W. GIACONIA
JAMES KRONE
RAYMOND LUCHKO
FRANK ORECHIO
DONALD TUCKER
COMMISSIONERS

Reichhold Chemical Inc.
300-400 Doremus Avenue
Newark, NJ 07105
Attn: Arthur Dieffenbach

CERTIFIED RECEIPT
P 252 570 612

RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: 5/20/94
SECTION VIOLATED: 312.1(B)

Dear Mr. Dieffenbach:

On 5/20/94 a routine inspection was made of your pH control system. The pH recorder charts were reviewed for the period from 3/1/94 to 5/2/94. During April the pH below 5.0 for 45 minutes on 4/8/94, to a low of 4.5. No notification was received. Federal Regulations do not permit pH excursions below 5.0 for any length of time. In addition, the pH may exceed 10.5 provided it is for not more than 1% in any calendar month or more than 1 hour at any particular time. PVSC limits are between 5.0 and 10.5. As a result Reichhold Chemicals has violated the PVSC Rules and Regulations as outlined below:

1. 312.1(B) - refers to the discharge of corrosive waste which could cause damage to the sewer system.
2. 314.1 - refers to the notification procedure to be used in the event an individual user is unable to comply with the limitations contained in the PVSC Rules and Regulations or in the Sewer Connection Permit.

Please respond to this letter in writing within 10 days with a plan to eliminate pH excursions once and for all.

Richhold Chemicals
May 28, 1994
Page 3

Failure to do so could result in fines and other penalties. You should forward your response to the attention of the Industrial Department. In view of your past violation history, a copy of this letter is being forwarded to the PVSC attorney. If you have any questions please call Andy Caltagirone at (201)817-5723.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS



Carmine T. Perrapato
Executive Director

CTP/sml

cc: Robert Davenport, Deputy Executive Director
Frank P. D'Ascensio
Gabriel M. Ambrosio, Esq.
City of Newark

8428910627

Chemicals, Inc.

Polymers & Resins Division

100 Avenue

Endorse front of article RETURN R, NJ 07105

REICHHOLD

JUNE 08, 1994.

PASSAIC VALLEY SEWERAGE COMMISSIONERS
600 WILSON AVENUE
NEWARK, NEW JERSEY 07105

ATTN : INDUSTRIAL DEPARTMENT

RE : PERMIT # 20406320 , NOTICE OF VIOLATION
LOCATION : 400 DOREMUS AVENUE

Dear Sir:

This letter is in response to your letter dated May 28, 1994 about the PH-Charts readings. The actual PH of the water was around 6.8 - 6.7 but it was recording less than 5.00 because of the broken PH Probe.

The Instrument contractor was scheduled for a weekly maintenance of the PH system. When he came to the plant and looked at the PH System, he found the PH Probe broken. He could not replace the broken PH Probe, so we had to ask our maintenance person to replace the broken probe with the spare one.

Once we remove the broken probe and installed new one in the system, the system start responding correctly and PH recording came within compliance limits.

Reichhold is taking steps to correct the errant low readings once and for all. However, there is an engineering limitation which is being examined by an outside engineering firm. Reichhold expects an engineering solution by the end of the summer with installation before the end of the year.

Tel: (201) 589-3709
Fax: (201) 817-9173

PAGE-2

If you have any questions, please contact Mike Baxi at
(201) 589-3876.

Sincerely,

Mike Baxi

Mike BAXI

Environmental ENGINEER.

DANIEL F. BECHT, ESQ.
CHAIRMAN

THOMAS J. CIFELLI
VICE CHAIRMAN

DOMINIC W. CUCCINELLO
RONALD W. GIACONIA
JAMES KRONE
RAYMOND LUCHKO
FRANK ORECHIO
DONALD TUCKER
COMMISSIONERS

Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800

Fax: (201) 344-2951

December 6, 1994

F - Doremus - no longer

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

*Rec'd
12/7/94*

Ken May
Reichhold Chemical Inc.
400 Doremus Avenue
Newark NJ 07105

CERTIFIED RECEIPT
P 252 571 911

RE: MR-1 DEFICIENCIES SEPTEMBER 1994

Dear Mr. May:

Certain permittees are still submitting deficient Monthly Monitoring Reports. The Clean Water Enforcement (CWEA) makes users responsible for the absolute accuracy of the reports, and allows the assessment fines for missing and/or incorrect data.


Passaic Valley Sewerage Commissioners has reviewed your MR-1 report and found it to be deficient. Attached is a listing of the deficiencies that need correction.

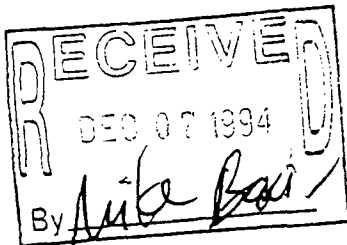
You are hereby directed to submit any corrections to the MR-1 form on a new corrected form. Corrections to other deficiencies such as flow diagrams, water balances, etc., must be submitted individually.

Failure to resubmit these corrections within fifteen days may result in fines for this report. Please return your corrected MR-1 Report or any other corrected data to the attention of the PVSC Industrial Department. Your immediate attention to this matter is imperative to avoid enforcement action. Please call Andy Caltagirone at (201) 817-5723 with any questions.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS


Robert J. Davenport
Executive Director



RJD/sml

cc: Frank P. D'Ascensio
Andy Caltagirone

8428910629

MR-1 FORM DEFICIENCIES

COMPANY NAME: REICHHOLD CHEMICALS

VIOLATION DATE: 9/1/94 - 9/30/94

- ◆ Did not use gm/day in unit column
- ◆ Also used both average and maximum flow to determine results; must use average flow only

8428910630

DANIEL F. BECHT, ESQ.
CHAIRMAN

RAYMOND LUCHKO
VICE CHAIRMAN

DOMINIC W. CUCCINELLO
RONALD W. GIACONIA
JAMES KRONE
FRANK ORECHIO
DONALD TUCKER
COMMISSIONERS

Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNCIL

LOUIS LANZILLO
CLERK

February 16, 1996

Mr. Mike Baxi
Reichhold Chemical Inc.
400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
Z 258 627 810

**RE: NOTICE OF VIOLATION
PERMIT #: 20406320
VIOLATION DATE: DECEMBER, 1995
SECTION VIOLATED: 312.1(B)**

Dear Mr. Baxi:

On 01/23/96 a routine inspection was made of your pH control system. The pH recorder charts were reviewed for the period from 12/01/95 to 12/31/95. During December, the pH was out of compliance below 5 on 12/18/95 for 30 minutes. PVSC was notified of the excursion. Federal Regulations do not permit pH excursions below 5.0 for any length of time. In addition, the pH may exceed 10.5 provided it is for not more than 1% in any calendar month or more than 1 hour at any particular time. PVSC limits are between 5.0 and 10.5. As a result Reichhold Chemical (Doremus) has violated the PVSC Rules and Regulations as outlined below:

1. 312.1(B) - refers to the discharge of corrosive waste which could cause damage of the sewer system.

In your letter dated 12/20/95 you stated that the cause for the excursion was unknown. However, you noted that there was low or perhaps no process discharge during the time of the recorded excursion. The only way we can monitor the pH of your discharge is by examination of your continuous pH recorder charts. Therefore, we expect that you exert every effort to minimize future excursions.

8428910631

RE: NOTICE OF VIOLATION - REICHHOLD CHEMICAL - DOREMUS

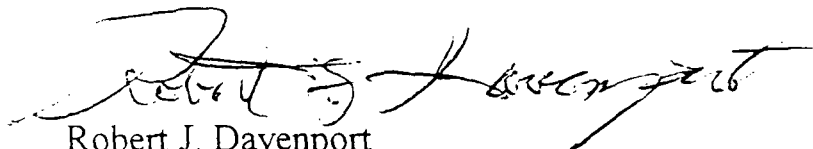
February 16, 1996

Page 2

Failure to do so could lead to enforcement action. If you have any questions concerning this matter, please call Ric Quintieri at (201) 817-5719.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

A handwritten signature in dark ink, appearing to read "Robert J. Davenport", is written over the printed name.

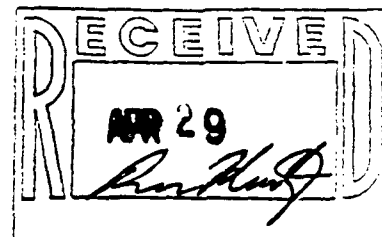
Robert J. Davenport
Executive Director

RJD/mc

cc: Frank P. D'Ascensio
City of Newark

8428910632

GABRIEL M. AMBROSIO, ESQ.
464 Valley Brook Avenue
P.O. Box 911
Lyndhurst, New Jersey 07071
(201) 933-8844
Attorney for Plaintiff



PASSAIC VALLEY SEWERAGE
COMMISSIONERS, a body
politic and corporate of the
State of New Jersey,

Plaintiff,

vs.

REICHHOLD CHEMICAL, INC.

Defendant.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY : CHANCERY DIVISION

DOCKET NO. C-115-96

Civil Action

SUMMONS


FROM THE STATE OF NEW JERSEY TO THE DEFENDANT(S) NAMED ABOVE:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the Deputy Clerk of the Superior Court in the County listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each Deputy Clerk of the Superior Court is provided). An \$80.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the Deputy Clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect our rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford to pay an attorney, you may call the Legal Services Office in the County where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: April 19, 1996


DONALD F. PHELAN
Clerk of the Superior Court

Name of Defendant to be served:
Address for service:

REICHHOLD CHEMICAL, INC.
400 Doremus Ave., Newark, NJ

8428910633

ATLANTIC COUNTY:

Lori Mooney, Clerk
Civil Division, Direct Filing
201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
(609)345-3444
LEGAL SERVICES
(609)348-4200

BERGEN COUNTY:

Kathleen A. Donovan, Clerk
119 Justice Center
10 Main Street
Hackensack, NJ 07601-7698
LAWYER REFERRAL
(201)488-0044
LEGAL SERVICES
(201)487-2166

BURLINGTON COUNTY:

Edward A. Kelly, Jr., Clerk
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609)261-4862
LEGAL SERVICES
(609)261-1088

CAMDEN COUNTY:

Michael S. Keating, Clerk
1st Fl., Hall of Records
501 Fifth St.
Camden, NJ 08103
LAWYER REFERRAL
(609)964-4520
(609)964-2010

CAPE MAY COUNTY:

Angela F. Pulvino, Clerk
(Law Division Filings)
Box DN-209
Cape May Court House, NJ 08210
or
(General Equity Filings)
Box DN-209A
Cape May Court House, NJ 08210
LAWYER REFERRAL
(609)463-0313
LEGAL SERVICES
(609)465-3001

MERCER COUNTY:

Albert E. Driver, Jr., Clerk
P.O. Box 8068
209 South Broad Street
Trenton, NJ 08650
LAWYER REFERRAL
(609)890-6200
LEGAL SERVICES
(609)695-6249

CUMBERLAND COUNTY:

John G. Nardelli, Clerk
Court House, Direct Filing
Broad & Fayette Sts.
Bridgeton, NJ 08302
LAWYER REFERRAL
(609) 452-5291
LEGAL SERVICES
(609)451-0003/935-8024

ESSEX COUNTY:

Patricia McGarry Drake, Clerk
236 Hall of Records
465 Dr. Martin Luther King,
Jr., Blvd., Newark, NJ 07102
LAWYER REFERRAL
(201)533-1779
LEGAL SERVICES
(201)624-4500

GLOUCESTER COUNTY:

Joseph H. Hoffman, Clerk
First Fl., Court House
1 North Broad Street
P.O. Box 129
Woodbury, NJ 08096
LAWYER REFERRAL
(609)848-4589
LAWYER SERVICE
(609)848-5360

HUDSON COUNTY:

Frank E. Rodgers, Clerk
Superior Court, Civil Records
Brennan Court House
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201)798-2727
LEGAL SERVICES
(201)792-6363

HUNTERDON COUNTY:

Dorothy K. Tirpock, Clerk
Hall of Records
10 Main Street
Flemington, NJ 08822
LAWYER REFERRAL
(609) 788-6112
LEGAL SERVICES
(609)782-7979

SALEM COUNTY:

John W. Cawman, Clerk
92 Market St. P.O. Box 18
Salem, NJ 08079
LAWYER REFERRAL
(609)678-8363
LEGAL SERVICES
(609)451-0003

MIDDLESEX COUNTY:
Herbert P. Lushcomb, Clerk
Court House, East Wing
Lobby Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(908)828-0053
LEGAL SERVICES
(908)249-7600

MONMOUTH COUNTY:
Jane Clayton, Clerk
P.O. Box 1262
Court House, East Wing
Freehold, NJ 07728-1262
LAWYER REFERRAL
(908)431-5544
LEGAL SERVICES
(908)747-7400

MORRIS COUNTY:
Alfonse W. Scerbo, Clerk
CN-900
30 Schuyler Pl.
Morristown, NJ 07960
LAWYER REFERRAL
(201)267-5882
LEGAL SERVICES
(201)285-6911

OCEAN COUNTY:
M. Dean Haines, Clerk
119 Court House
CN-2191
Toms River, NJ 08754
LAWYER REFERRAL
(908)240-3666
LEGAL SERVICES
(908)341-2727

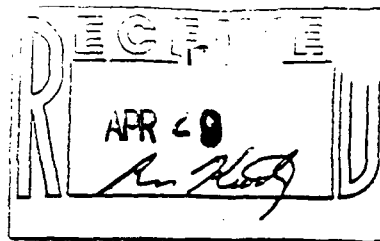
PASSAIC COUNTY:
William L. Kattak, Clerk
Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(201)278-9223
LEGAL SERVICES
(201)345-7171

SOMERSET COUNTY:
R. Peter Widman, Clerk,
Civil/General Equity
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
(908)685-2323
LEGAL SERVICES
(908)231-0840

SUSSEX COUNTY:
Helen C. Ackerman, Clerk
Superior Court
Law Division
49 High Street
Newton, NJ 07860
LAWYER REFERRAL
(201)267-5882
LEGAL SERVICES
(201)383-7400

UNION COUNTY:
Walter G. Halpin, Clerk
1st Fl., Court House
Elizabeth, NJ 07207
LAWYER REFERRAL
(908)353-4715
LEGAL SERVICES
(908)354-4340

WARREN COUNTY:
Terrance D. Lee, Clerk,
Court House
Belvidere, NJ 07823
LAWYER REFERRAL
(201)267-5882
LEGAL SERVICES
(908)475-2010



APR 18 1996
Clerk of the Superior Court

GABRIEL M. AMBROSIO, ESQ.
464 Valley Brook Avenue
P.O. Box 911
Lyndhurst, New Jersey 07071
(201) 933-8844
Attorneys for Plaintiff

Essex County

SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION - ESSEX COUNTY

PASSAIC VALLEY SEWERAGE
COMMISSIONERS, a body politic :
and corporate of the state of :
New Jersey, :

DOCKET NO: C- 115-96

Civil Action

Plaintiff,

COMPLAINT

v.

REICHHOLD CHEMICAL, INC.,

Defendant.

Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS, having its principal offices located at 600 Wilson Avenue, in the City of Newark, County of Essex and State of New Jersey, says by way of complaint:

THE PARTIES

1. Plaintiff, the PASSAIC VALLEY SEWERAGE COMMISSIONERS ("PVSC"), is a body politic and corporate organized pursuant to the laws of the State of New Jersey for the purpose of collecting and treating wastewater generated in a four-county area along the Passaic Valley river basin. The PVSC discharges treated wastewater to the receiving waters of the Upper New York Harbor pursuant to the terms and conditions of New Jersey Pollutant Discharge Elimination System ("NJPDES") Permit No. NJ0021016, issued by the New Jersey Department of Environmental Protection ("NJDEP")

8428910636

pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and the Federal Water Pollution Control Act, 33 U.S.C.A. § 1251 et seq.

2. In accordance with N.J.S.A. 58:14-1 et seq., the PVSC adopted rules and regulations to implement the federal and state pretreatment standards by which all industrial dischargers to the PVSC system are governed. In addition, the PVSC is authorized to enforce its rules and regulations through the filing of law suits against any person that discharges sewerage or other polluting matter directly or indirectly into the waters for which the PVSC is responsible.

3. The defendant, Reichhold Chemical, Inc. ("Reichhold Chemical"), is believed to be a corporation of the State of New Jersey. Reichhold Chemical operates an industrial facility located at 400 Doremus Avenue, Newark, New Jersey (the "Facility"), from which it discharges industrial and other wastes to the PVSC Treatment Works.

COUNT ONE

4. In accordance with its rules and regulations, the PVSC issued Sewer Connection Permit No. 20406320 ("Permit"), with an effective date of October 16, 1994, and an expiration date of October 16, 1999, which authorizes Reichhold Chemical to discharge to the PVSC Treatment Works.

5. Pursuant to Section 312.1(B) of the rules and regulations of the PVSC, it is unlawful for any person to discharge or deposit or cause or allow to be discharged or deposited into the PVSC

Treatment Works or the public sewer, any wastes with a pH less than 5.0 Standard Units ("SU") or more than 10.5 SU. Except that, where an industrial discharger continuously measures its wastewater, excursions above 10.5 are permitted to the extent allowed by 40 C.F.R. § 401.17.

6. Among other conditions set forth in its Permit, Reichhold Chemical is required to continuously monitor its discharges to the PVSC system for compliance with the pH discharge limitations of Section 312.1(B). The Permit further requires that Reichhold Chemical maintain its pH monitoring data and have the same available for review by PVSC personnel on demand.

7. Review of the pH monitoring records maintained by Reichhold Chemical demonstrates that it exceeded the pH discharge limitations of the Permit and Section 312.1(B) during the following periods:

<u>Period:</u>	<u>Hours Out of Compliance</u>
01/01/94 to 01/31/94	3.25 hours below 5.0
04/01/94 to 04/30/94	45 minutes below 5.0
07/01/94 to 07/31/94	1.67 continuous hours above 10.5
01/01/95 to 01/31/95	75 minutes below 5.0
02/01/95 to 02/28/95	9.75 hours below 5.0
11/01/95 to 11/30/95	25 minutes below 5.0

(cont.)
Period:

Hours Out of
Compliance

04/01/95 to
04/30/95

23 minutes below 5.0

12/01/95 to
12/31/95

30 minutes below 5.0

01/01/96 to
01/31/96

35 minutes below 5.0

02/01/96 to
02/29/96

61 minutes below 5.0

8. The discharge of any waste having a pH level in excess of the discharge limitations of Section 312.1(B) of the rules and regulations of the PVSC is an unlawful act in violation of N.J.S.A. 58:14-1 et seq.

9. Based upon the foregoing violations of the rules and regulations of the PVSC, the PVSC directed Reichhold Chemical to take immediate steps to correct its continued violations. To date, Reichhold Chemical has failed to fully comply with the directives of the PVSC. On that basis, the PVSC believes that Reichhold Chemical is likely to continue to exceed its pH discharge limitations in the future.

10. If continued, the unlawful acts and practices of the defendant will adversely affect or threatens to adversely affect public health or safety or the operation of the PVSC system.

COUNT TWO

11. The PVSC repeats the allegations of paragraphs one (1) through ten (10) as if set forth herein at length.

12. Pursuant to Section 314.1 of the rules and regulations of the PVSC, in the event that an industrial user does not comply with

or will be unable to comply with any discharge limitation contained in the rules and regulations of the PVSC or a Sewer Connection Permit, the industrial user shall immediately notify the PVSC so that corrective action may be taken to protect the PVSC Treatment Works.

13. Reichhold Chemical failed to notify the PVSC that it did not comply, or would not comply, with the pH discharge limitation of 312.1(B) with respect to the pH discharge exceedances which occurred during the following monitoring periods: April 1994, July 1994, January 1995 and February 1995.

14. Reichhold Chemical's failure to properly notify the PVSC of its violations of the pH discharge limitation of Section 312.1(B) is an unlawful act in violation of N.J.S.A. 58:14-1 et seq.

15. If continued, the unlawful acts and practices of the defendant will adversely affect or threaten to adversely affect public health or safety or the operation of the PVSC system.

WHEREFORE, the Passaic Valley Sewerage Commissioners demand the entry of an Order against the defendant:

(a) Declaring the defendant to be in violation of the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(b) Enjoining the defendant from further violations of the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

(c) Revoking Sewerage Connection Permit No. 20406320 for having violated the rules and regulations of the PVSC, the Permit and N.J.S.A. 58:14-1 et seq.;

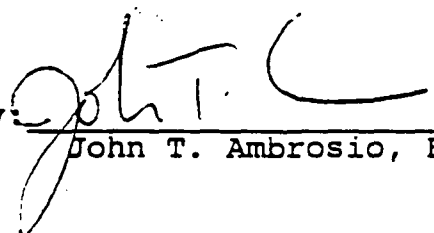
(d) Assessing civil penalties against the defendant for having engaged in unlawful acts and practices described herein;

(e) Assessing attorney's fees and cost against the defendant;

(f) For such other relief as the Court deems just and proper.

GABRIEL M. AMBROSIO, ESQ.

Dated: April 16, 1996

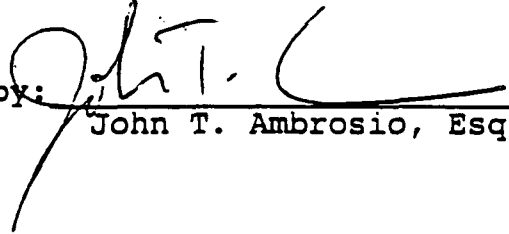
by: 
John T. Ambrosio, Esq.

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court and is likewise not the subject of any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action and that I am not aware of any other parties who should be joined in this action.

GABRIEL M. AMBROSIO, ESQ.

Dated: April 16, 1996

by: 
John T. Ambrosio, Esq.

F:\LAWFILES\JOHN\PVSC\REICH\COMPL001

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: : CK CG CA
 CHG/CK NO. :
 AMOUNT: :
 OVERPAYMENT: :

CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial pleadings (not motions) under R.4:5-1.

ATTORNEY NAME : TELEPHONE NUMBER : COUNTY OF VENUE
 John T. Ambrosio, Esq. : (201) 933-8844 : ESSEX

FIRM NAME (If Applicable) : DOCKET NUMBER (When Available)
 :
 GABRIEL M. AMBROSIO, ESQ. :
 :
 :
 OFFICE ADDRESS : DOCUMENT TYPE
 : Complaint
 464 Valley Brook Avenue :
 Lyndhurst, New Jersey 07071 :
 : JURY DEMAND:
 : () Yes (X) No

NAME OF PARTY (e.g., John Doe, Plaintiff) : CAPTION
 : Passaic Valley Sewerage Commissioners vs.
 Passaic Valley Sewerage Commissioners, Plaintiff : Reichhold Chemical, Inc.,

THE INFORMATION PROVIDED BELOW CANNOT BE INTRODUCED INTO EVIDENCE

CASE TYPE NUMBER :
 156 : Is this a Title 59 action?
 : () Yes (X) No

Check if applicable: () Punitive Damages () Friendly Hearing Sought () Declaratory Judgment

CDR Desired? () Yes Specify Type: (X) No

Present Medical Expenses: N/A

() \$2500 or less () More than \$2500, If more, do you wish to submit this to Arbitration?
 () Yes () No

Briefly describe the case; include any special characteristics that may warrant extended discovery or accelerated disposition (See reverse side for additional instructions):

Violation of Sewer Connection Permit and/or N.J.S.A. 58:14-1, et seq.

Describe all pending actions related to this case, i.e., arising out of the same occurrence or transaction (give docket number if known):

Estimated Number of Days to Try The Case : Case Assessment (Mandatory for DCM Counties)
 :
 Liability: 1 Damages: 1 : () Expedited (X) Standard () Complex

8428910643

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105



REICHHOLD

April 15, 1994.

Passaic Valley Sewerage Commissioners
600 Wilson Avenue
Newark, NJ 07105
ATTN : Industrial Department.

RE : Reichhold Chemicals, Inc.
400 Doremus Avenue
Newark, New Jersey 07105
Renewal of Sewer Connection Permit # 20406320

Dear Department Member:

Enclosed you will find a completed Sewer Connection Permit Application from the subject facility, submitted at least six months prior to the 10/16/94 expiration date of the permit. Given the turnaround period required by our outside laboratory, analytical information required as part of this application will be submitted to your attention upon receipt under separate cover.

Please call me or Mr. Ken May if you have any questions regarding the application.

Sincerely,

Mike Baxi

Mike Baxi
Environmental Engineer

Encl.

CC : P. Brustofski
K. May

- RCI/RTP
- Reichhold/Doremus

INSTRUCTIONS FOR COMPLETING SEWER CONNECTION APPLICATION

Users who receive an application must return the completed application within required time frame in cover letter, to the Passaic Valley Sewerage Commissioners, 600 Wilson Avenue, Newark, NJ 07105 Attention of the Industrial Department. New applicants will be advised if a Sewer Connection Permit is required upon the completion of their application evaluation.

Questions concerning the completion of the application may be answered by contacting the Industrial Department at 817-5715. Answer all questions, if one does not apply write in N/A or None.

1. Be certain to indicate if Company is incorporated.
2. To be filled in only for Permit renewals.
4. To be filled in only if mailing address is different from the location; otherwise write "Same".
5. This is the person PVSC will contact to answer questions and provide information as necessary. Fill in address only if it is different from the Facility Location.
6. Use annual average numbers.
7. Self explanatory. Entire property must be listed. If property lies in more than one municipality, indicate which ones lies within the respected municipalities.
8. Self explanatory. Be certain to list the total amount of square feet rented.
9. Self explanatory. If none, so state.
10. Circle Y if well water or river water is consumed regardless of how it is used.
11. Self explanatory. Be certain to list all account numbers.
12. Report consumption for most recent 12 months; i.e., from Mo. 3/1 Yr. 83 through Mo. 2/28 Yr. 84. Total up the quarterly volumes from all sources. Be certain to convert to gallons. Most water utilities report consumption in hundreds of cubic feet (100 cu.ft.) If this is the case, it will be necessary to add two zeros to the figure in order to convert it to cubic feet, then multiply it by 7.48 to convert the figure to gallons. Check the unit of measure on the meters used to measure river or well water volumes, convert them also if necessary. Please note, an asterisk means the figure is estimated.
13. Total amount of water received must equal the total amount of water used and disposed of. Fill in the quantity of each that applies. Be certain to use an asterisk for estimated figures.

14. This item applies only to process wastewater. It explains how it is disposed of. There are only a few communities that have combined sewers. If you are in doubt contact the municipal sewer or engineering department. The last two items describe a direct discharge. If the discharge is either connected to a storm sewer which drains ultimately to a stream or a river, or discharges to a stream or river by some other means, an NJPDES Permit may be required.
15. Self explanatory. If none, so state.
17. Self explanatory, i.e., manufacturing, condensation, oxidation/reduction, non-aqueous extraction, etc.
18. Self explanatory. It is not necessary to list all chemicals used. Avoid using trade names which do not identify the chemical.
19. Self explanatory, i.e., water soluble dyes for the paper industry.
20. Include only significant variations, i.e., during March, April and May of each year an additional product is manufactured which increases the TSS and volume discharged to the sanitary sewer by 25%. If there are no seasonal variations, so state.
21. Include pH control, oil and grease removal systems or recorders for pH, LEL etc. Indicate type of sensing element for LEL instruments. New applicants, number all outlets starting with number 1. Use this number throughout. Renewal applicants, use the first 8 digits of the outlet designation found in Section C1 of the expiring Sewer Connection Permit.
22. Identify outlet as in item 21. Second column, answer Y or N depending on characteristics of discharge. Third column, describe type of sampler used, i.e., filled chamber composite, peristaltic composite etc. If none, so state. Fourth column, answer Y or N depending on whether sample is refrigerated to maintain temperature at 4°C during and after collection.
23. Identify outlet as in item 21. Second column, average volume is satisfactory unless there are significant seasonal changes. In the latter case report both averages to coincide with answer for item 20. Third column, answer Y or N depending on whether a flow measuring device is installed. Fourth column, describe type of instrument installed, i.e., parshall flume, magnetic meter, etc. Also state if totalizer is resettable or not. Fifth column, provide date of last calibration.

NOTE: In those cases where incoming water meters are used to measure the volume or a different method is used than a meter on the outlet, attach a separate sheet with an explanation. Also if more than one sanitary connection has been combined into one outlet in the Sewer Connection Permit, explain on a separate sheet.

24. Self explanatory. Identify meters if necessary. Omit those meters maintained by the water utility.

25. Identify outlets as in item 21. Internal building sewer lines need not be shown, but all external lines must be shown.
26. An applicant who is regulated by a Federal Category must analyze for those parameters listed in accordance with the regulation. Also, all other parameters listed in Section E must be analyzed in accordance with the instructions. The sample that is analyzed should be a composite collected over the operating day and should be representative of the normal discharge. Some parameters require grab samples in place of composite samples. Samples must be properly preserved as required. All analyses must be conducted in accordance with the 1974 EPA Standard Methods Manual, the Fourteenth Edition of Standards Methods or the 1975 ASTM, as outlined in 40 CFR Part 136 12/1/76 and its revisions. In particular, analyses for Heavy Metals must be conducted by Atomic Absorption. Those analyses for Toxic Organics or Pesticides must be conducted by Gas Chromatography. All analyses must be conducted by a Lab certified by NJDEP to perform the analyses reported. Results must be submitted on Lab certified forms in addition to being entered in Section E.

Renewal applicants do not have to analyze for those parameters currently being monitored and periodically reported. Results from samples taken during the past six months are acceptable for submittal to PVSC provided results are so noted.

The results of the analyses must be reported to the decimal points indicated. The parameters marked with (1) must be reported to the nearest tenth; ie., 1.6 mg/l. The parameters marked with an asterisk (*) need only be analyzed for if reasonably expected to be present in the discharge, unless otherwise exempted. All other parameters must be analyzed. Concentration values are to be reported in mg/l unless otherwise specified. Identify the outlets as in Item 21, also identify name and employer of person collecting and analyzing the samples. If submitting an analysis for more than 1 outlet use separate sheets.

27. Self explanatory. Identify employer also.
31. Applicant is required only to check the box that best describes the potential for The Priority Pollutants listed on Tables 1, 2, & 3 to be present in his discharge.
32. Identify EPA industrial categories that apply. Also give alphabetical subpart listings and names that identify specific subparts.
33. If more than one compliance date applies, list separately.
35. If no schedule is required answer N/A.

Revised 1/87
Revised 7/90

SECTION A

1. Company Name: Reichhold Chemicals, Inc.
2. Permit number if applicable, 20406320
3. Location: 400 Doremus Avenue
Newark, NJ Zip Code: 07105
4. Mailing Address: Same
Zip Code: _____
5. Person to contact concerning information provided in this application:
Name of Contact Official: Mr. Ken May
Title: Sr. Process Engineer Phone No. 201 / 589-3709
Address: _____ Zip Code _____
6. Number of Employees - Full Time: 22 Part Time: None
Number of Work Days Per Year: 260
Number of Shifts Per Day: 3
7. If property is owned indicate block and lot numbers:
Block 5070 Lots 9,9A,11 and 11A
Assessed Value: \$ 837,400.00 1993
8. If property is rented indicate name and address of owner:
N/A

Total square feet rented: _____
9. List NJPDES Permit number if applicable, NJ0063738 and
name of receiving body of water entered Newark Bay

WATER DATA

10. Water Source: (Circle all appropriate answers)

Purchased (Y) - N
11. Well Y - (N) If Y, is it metered Y - N
River Y - (N) If Y, is it metered Y - N

11. Name of purchased water supplier: City of NewarkList all Acct #s: 107887321000 1078873270012. Water Received: From Mo. 1 Yr. 93 Through Mo. 12 Yr. 93

(* Next to a figure means it is estimated).

	<u>PURCHASED</u>	<u>WELL</u>	<u>RIVER</u>	<u>TOTAL</u>
1st Qtr.	4,255,080	0	0	4,255,080
2nd Qtr.	2,184,137	0	0	2,184,137
3rd Qtr.	3,150,970	0	0	3,150,970
4th Qtr.	1,323,189	0	0	1,323,189

GRAND TOTAL 10,913,376

Report in gallons

13. Water Use and Disposition (* Next to a figure means it is estimated).

	Gallons Sanitary/Combined Sewer	Discharged Stormsewer/ River/Ditch	Gallons Used Other
Sanitary Service Only	390,930*	None	
Process Waste Water	9,976,780*	None	
Cooling Water	None	None	
Evaporation			451,750*
Contained in the product			93,916*
Other (Describe)			

GRAND TOTAL 10,913,376

SECTION B (CONTINUED)

14. Process wastewater which is discharged as above is metered as follows:

to the Separate Sanitary Sewer

Y - N

to the Combined Sewer

Y - N

to a storm sewer

Y - N

river or ditch

Y - N

15. Waste Hauler Information: List all firms and/or independent contractors used to remove process waste or sludge from this facility.

Contractor	Address	Icc#	Waste type handled
See Attached List.			

SECTION C

OPERATIONAL CHARACTERISTICS

16. Discharge of Industrial Waste is continuous Yes
or intermittent _____ each operating day.

If the discharge is intermittent, it occurs between the following hours: _____

17. Brief description of Manufacturing or other activity performed: Resin Manufacturing/
Polymerization Reactions.

List SIC CODE #: 2821

18. Principal Raw Materials used: Organic Polybasic Acids, Polyalcohols,
Solvents, Vegetable Oils, Fatty Acids and Monomers.

19. Principal Products or Services: Alkyd Resins and other specialty
Products used in the Industrial Coating Industries.

SECTION C (CONTINUE)

20. Describe seasonal variations, if significant, giving dates, volumes, rates, hours, etc. Include variations in product lines which affect waste characteristics: None

Does this facility shutdown for vacations? No If so, is it basically the same time each year _____. Provide dates usually shut down _____

SECTION D

MONITORING

21. Describe any pretreatment process or effluent monitoring system in use:

Outlet 20406320-44100-0201 Process Waste Water Organic Stripper.

PH control on inlet/outlet. Continuous PH monitoring on outlet.

Outlet _____ Chart Recorder.

N/A

Outlet N/A

22. Sampling information:

<u>Outlet</u>	<u>Contains Ind. Waste</u>	<u>Sampler Type</u>	<u>Refrigerated</u>
20406320-44100-0201	Y	None	Yes
NA			

SECTION D (CONTINUED)

23. Volume Information;

<u>Outlet</u>	<u>Daily Flow (Gallons)</u>	<u>Metered (Y - N)</u>	<u>Type</u>	<u>Date</u>
20406320- 44100-0201	29,900*	N	-	-
*(10,913,376/365)				

24. Frequency of calibration of each flow meter: N/A (No Flowmeter for Effluent)

25. Attach a plot plan of the property showing:

- (a) all existing or proposed sewer and drain lines (including outlets to a storm sewer, river or ditch);
- (b) sample point(s); Monitoring or Pretreatment Equipment; Incoming meter(s); Well meter(s); Internal meter(s); Flowmeter(s).
- (c) details of the connection (s) to the municipal (or PVSC) sewer, including the distance and direction of each connection from the nearest street intersection.

ANALYSIS OF INDUSTRIAL WASTE

26. Analysis for Industrial Waste must be a proper sample taken for each outlet.

OUTLET NO. 20406320-44100-0201

Data to be provided under separate cover.

Report to the nearest unit: **XX**.
except where indicated with (1)
Example: 15 mg/l

Report to the nearest hundredth: **0.XX**
except where indicated
Example: 0.36 mg/l

<u>Code</u>	<u>Parameter</u>	<u>Value</u>	<u>Code</u>	<u>Parameter</u>	<u>Value</u>
0200*	Radioactivity (PL-1)		1097*	Antimony (Sb)	
0500	Total Solids		1002*	Arsenic (As)	
0510	Total Mineral Solids		1022*	Boron (B)	
0530	Total Suspended Solids		1027*	Cadmium (Cd)	
0552	Mineral Suspended Solids		1034*	Chromium Total (Cr)	
0555 (1)(3)	Petroleum Hydrocarbons		1042*	Copper (Cu)	
0310	Biochemical Oxygen Demand (BOD)		1045*	Iron (Fe)	
			1051*	Lead (Pb)	
0340	Chemical Oxygen Demand (COD)		0720*(3)	Cyanide (CN)	
			1900*	Mercury(Report to 0.XXX)	
0680	Total Organic Carbon (TOC)		1067*	Nickel (Ni)	
			1147*	Selenium (Se)	
9000	pH (standard unit range)		1077*	Silver (Ag)	
0610 (1)	Ammonia as N		1102*	Tin (Sn)	
0550 (1)(3)	Total Oil & Grease		1092*	Zinc (Zn)	
0745* (1)	Sulfide		2730	Phenol	
0507* (1)	Ortho Phosphates as P		4053*	Pesticides (Report to 0.XXX)	
0625* (1)	Kjeldahl N as N				
9998* (2)(3)	TTO (Report to 0.XXX)		9999*(3)	TTVO(Report to 0.XXX)	

FOOTNOTES:

(1) Report results to the nearest tenth, i.e., 1.6 mg/L.

(*) Analyze for this if reasonably expected to be present in the discharge unless otherwise exempted.

(2) See instructions.

(3) Grab sample required.

REVISED 1/87
REVISED 8/89
REVISED 7/90

SECTION E (CONTINUED)

Samples collected by: Mr. Mike Baxi

Date: April 14, 1994.

Samples analyzed by: Townley Laboratories, Inc.

Date: _____

Products being manufactured when sample was collected: Yes, One Reactor is on
line at this time.

27. Who performs the analyses of the samples for User Charge? Townley Laboratories, Inc.

28. Is the Laboratory certified by NJDEP to conduct all the analyses? ☒ Y - N _____

29. Who performs the analyses of the samples for the Pretreatment Parameters?

Chemtech Consulting Groups, Inc.

(If monitoring has not commenced for Pretreatment, indicate Laboratory you plan to use. If unknown, so state): _____

30. Is The Laboratory certified by NJDEP to conduct all the required Pretreatment analyses?

☒ Y - N _____

31. Based upon knowledge of materials and processes used at this facility check the appropriate box that best describes the potential that a Priority Pollutant, listed on Tables 1, 2, & 3 is present in your discharge.

SECTION F

PRETREATMENT

32. Industrial Category: 40 CFR 414
Subpart (s): Subpart E, Thermosetting Resins.
33. Compliance date(s): 11/05/1990 Compliance with OCPSF Stds. 02/05/91 BMR Submission. 07/21/91 Submission of first semiannual Monitoring report
34. Is facility in compliance? Yes If not, and if compliance date has passed, explain action being taken to get into compliance: Note : PH control system currently being rebuilt as part of plant start-up. System will operate as indicated in May 31, 1991 letter from Robert Naujelis to PVSC.
35. Date Baseline Monitoring Report (BMR) submitted to PVSC: February 1991.
36. Compliance schedule submitted? Yes
If yes is facility on schedule? Yes Explain if compliance date will not be met:
37. Does this facility come under the Resource Conservation and Recovery Act (RCRA)?
Yes
38. Does this facility have a Spill Prevention Control and Countermeasures (SPCC) plan?
If yes, describe: Yes. Approved discharge prevention (DPCC) plan in effect to prevent releases and unplanned discharges.
39. Has this facility ever been cited by NJDEP or EPA for a violation of State or Federal Regulations for the nature of its wastewater discharge? (Y) N See 12/93 Complaint file by PVSC.
40. Is this facility under an ECRA Clean-up? Yes If so, has a plan been approved by NJDEP: Yes
Is there any plan to discharge groundwater? ECRA cleanup being conducted by third party. (Textron).

CERTIFICATION*:

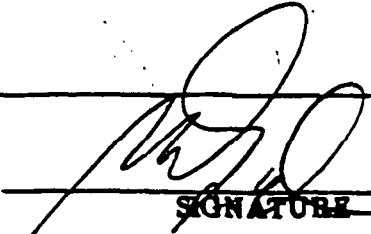
The information contained in this application is familiar to me and, to the best of my knowledge and belief, such information is true, complete, and accurate.

If the applicant is a corporation, a corporate resolution is attached granting me the authority to sign the application on behalf of the corporation.

Name of signing official: Mr. Mikulas Gasparik
PRINT

TITLE: Plant Manager

04/15/1994.
DATE


SIGNATURE

***APPLICATION MUST BE SIGNED BY ONE OF THE FOLLOWING:**

- a. Principal Officer of Corporation
- b. President or Owner of Company
- c. General Partner if a Partnership
- d. Plant Manager or Authorized Representative

REICHOLD

April 15, 1994.

5. Waste Hauler Information.

Contractor	Address, Phone and EPA No	ICC #	Waste Type Handled
Laidlaw Environmental Services (TG) Inc.	350 Railroad Street Roebuck, SC 29376 (803) 587-1999 SCD 987574647	N/A	Bulk Haz Waste 0001
Oldover Corporation	P.O. Box 228 Ashland, VA 23005 (804) 798-7981 VAD 040159436	N/A	Bulk Haz Waste Drummed Haz Waste 0001, F003, F005
Clean Venture Inc.	1160 State Street Perth Amboy, NJ 08862 (908) 442-4900 NJD 982281016	N/A	Bulk Haz Waste Drummed Haz Waste 0001, F003, F005
Safety Kleen Corp.	1200 Sylvan Street Linden, NJ 07036 (908) 862-2000 NJD 002182897	N/A	Bulk Haz Waste 0001, F003, F005
Nappi Trucking Corp.	P.O. Box 510 Matawan, NJ 07747 (908) 566-3000 NJD 000813477	N/A	Bulk Waste Water
Bechem Transport Inc.	N/A CTD 982191942	N/A	Drummed Haz Waste
Dart Trucking Inc.	N/A OHD 009865825	N/A	Drummed Haz Waste
Tri-State Motor Transit Co.	N/A MOD 095038998	N/A	Drummed Haz Waste

400 Doremus, Newark, NJ 07102
4/15/94.

8428910658

TABLE 1 EPA PRIORITY POLLUTANTS

CHECK APPROPRIATE BOX

NAME	A	B	C	D		A	B	C	D
acenaphthene			X		2,4 dimethylphenol			X	
acrolein				X	2,4 dinitrotoluene			X	
acrylonitrile			X		2,6 dinitrotoluene			X	
benzene			X		1,2 diphenylhydrazine			X	
benzidine			X		ethylbenzene	X			
carbon tetrachloride			X		fluoranthene			X	
(tetrachloromethane)			X		4-chlorophenyl phenyl ether			X	
chlorobenzene			X		4-bromophenyl phenyl ether			X	
1,2,4-trichlorobenzene			X		bis(2-chloroisopropyl) ether			X	
hexachlorobenzene			X		bis(2-chloroethoxy) methane			X	
1,2 dichloroethane			X		methylene chloride			X	
1,1,1, trichloroethane			X		(dichloromethane)			X	
hexachloroethane			X		methyl chloride			X	
1,1, dichloroethane			X		(chloromethane)			X	
1,1,2 trichloroethane			X		methyl bromide			X	
1,1,2,2, tetrachloroethane			X		(bromomethane)			X	
chloroethane			X		bromoform(tribromomethane)			X	
bis(chloromethyl) ether			X		dichlorobromomethane			X	
bis(2 chloroethyl) ether			X		trichlorofluoromethane			X	
2-chloroethyl vinyl ether (mixed)			X		dichlorodifluoromethane			X	
2-chloronaphthalene			X		chlorodibromomethane			X	
2,4,6, trichlorophenol			X		hexachlorobutadiene			X	
parachlorometa cresol			X		hexachlorocyclopentadiene			X	
proform (trichloromethane)			X		isophorone			X	
chlorophenol			X		naphthalene	X			
1,2, dichlorobenzene			X		nitrobenzene			X	
1,3, dichlorobenzene			X		2-nitrophenol			X	
1,4, dichlorobenzene			X		4-nitrophenol			X	
3,3, dichlorobenzidine			X		2,4-dinitrophenol			X	
1,1, dichloroethylene			X		4,6 dinitro-o cresol			X	
1,2, trans-dichloroethylene			X		N-nitrosodimethylamine			X	
2,4, dichlorophenol			X		N-nitrosodiphenylamine			X	
1,2, dichloropropane			X		N-nitrosodi-n-propylamine			X	
1,3 dichloropropylene			X		pentachlorophenol			X	
(1,3 dichloropropene)			X		phenol	X			

- A. KNOWN TO BE PRESENT
B. SUSPECTED TO BE PRESENT
C. KNOWN TO BE ABSENT
D. SUSPECTED TO BE ABSENT

4/15/94.

TABLE 1. EPA PRIORITY POLLUTANTS (CONTINUED)

8428910659

CHECK APPROPRIATE BOX

NAME	A	B	C	D		A	B	C	D
bis(2-ethylhexyl) phthalate	X				endrin			X	
butylbenzylphthalate			X		endrin aldehyde			X	
di-n-butylphthalate			X		heptachlor			X	
di-n-octylphthalate			X		heptachlor (epoxide)			X	
diethylphthalate			X		BHC Alpha			X	
dimethylphthalate			X		BHC Beta			X	
benzo(a)anthracene			X		BHC Gamma			X	
benzo(a)pyrene			X		BHC Delta			X	
3,4 benzofluoranthene			X		PCB-1242			X	
benzo(k)fluoranthene			X		PCB-1254			X	
chrysene			X		PCB-1221			X	
acenaphthylene			X		PCB-1232			X	
anthracene			X		PCB-1248			X	
benzo(ghi)perylene			X		PCB-1260			X	
fluorene			X		PCB-1016			X	
phenanthrene			X		toxaphene			X	
dibenzo(a,h)anthracene			X		antimony (total)			X	
indeno(1,2,3-c,d)pyrene			X		arsenic (total)			X	
pyrene			X		asbestos (fibrous)				X
tetrachloroethylene			X		beryllium (total)			X	
toluene	X				cadmium (total)			X	
trichloroethylene			X		chromium (total)				
vinyl chloride			X		copper (total)			X	
drin			X		cyanide (total)				X
drin			X		lead (total)				X
chlordane			X		mercury (total)				
4,4 DDT			X		nickel (total)			X	
4,4 DDE			X		selenium (total)			X	
4,4 DDD			X		silver (total)			X	
endosulfan I			X		thallium (total)			X	
endosulfan II			X		zinc (total)				X
endosulfan sulfate			X		2,3,7,8, tetrachlorodibenzo			X	
			X		p-dioxin			X	

- A. KNOWN TO BE PRESENT
 B. SUSPECTED TO BE PRESENT
 C. KNOWN TO BE ABSENT
 D. SUSPECTED TO BE ABSENT

Jewarick, NJ 07103
04/15/94

8428910660

TABLE 1. NJDEP EXPANDED PRIORITY POLLUTANTS

CHECK APPROPRIATE BOX

NAME	A	B	C	D		A	B	C	D
acrylamide			X		n,n-dimethyl aniline			X	
amitrole			X		3,3-dimethyl benzidine			X	
amyl alcohols			X		1,1-dimethylhydrazine			X	
aniline hydrochloride			X		dioxane			X	
anisole			X		diphenylamine			X	
auramine			X		ethylenimine			X	
benzotrithloride			X		hydrazine			X	
benzylamine			X		4,4'-methylene bis (2-chloroaniline)			X	
o-chloroaniline			X		4,4'-methylenedianiline			X	
m-chloroaniline			X		methyl isobutyl ketone			X	
p-chloroaniline			X		alpha-naphthylamine			X	
1-chloro-2-nitrobenzene			X		beta-naphthylamine			X	
1-chloro-4-nitrobenzene			X		n-methylaniline			X	
chloroprene			X		1,2-phenylenediamine			X	
chrysoidine			X		1,3-phenylenediamine			X	
cumene			X		1,4-phenylenediamine			X	
2,3-dichloroaniline			X		sudan 1 (solvent yellow 14)			X	
2,4-dichloroaniline			X		thiourea			X	
2,5-dichloroaniline			X		toluene sulfonic acids			X	
3,4-dichloroaniline			X		toluidines			X	
3,5-dichloroaniline			X		xylydines			X	
1,3-dichloropropene			X						
1,4-dimethoxybenzidine			X						

- A. KNOWN TO BE PRESENT
- B. SUSPECTED TO BE PRESENT
- C. KNOWN TO BE ABSENT
- D. SUSPECTED TO BE ABSENT

NEWARK, New Jersey 01105
04/15/94.

BLE 3 EPA HAZARDOUS SUBSTANCES

8428910661

CHECK APPROPRIATE BOX

NAME	A	B	C	D		A	B	C	D
acetaldehyde			X		isopropanolamine			X	
allyl alcohol			X		kelthane			X	
allyl chloride			X		kepone			X	
amyl acetate			X		malathion			X	
aniline			X		mercaptodimethur			X	
benzonitrile			X		methoxychlor			X	
benzyl chloride			X		methyl mercaptan			X	
butyl acetate				X	methyl methacrylate			X	
butylamine			X		methyl parathion			X	
captan			X		mevinphos			X	
carbaryl			X		mexacarbate			X	
carbofuran			X		monoethyl amine			X	
carbon disulfide			X		monomethyl amine			X	
chlorpyrifos			X		naled			X	
coumaphos			X		napthenic acid			X	
cresol			X		nitrotoluene			X	
crotonaldehyde			X		parathion			X	
cyclohexane			X		phenolsulfonate			X	
2,4-D (2,4-dichlorophenoxy			X		phosgene			X	
acetic acid)					propargite			X	
diazinon			X		propylene oxide			X	
dicamba			X		pyrethrins			X	
dichlobenil			X		quinoline			X	
disulfoton			X		resorcinol			X	
2,4-dichloropropionic acid			X		strontium			X	
dichlorvos			X		strychnine			X	
diethyl amine			X		stryrene			X	
dimethyl amine			X		2,4,5-T (2,4,5-trichloro-			X	
					phenoxy acetic acid)				
dinitrobenzene			X		TDE (tetrachloro-				
					diphenylethane)				
diquat			X		2,4,5-TP 2-(2,4,5-			X	
					trichlorophenoxy)				
					propanoic acid				
disulfoton			X		trichlorofon			X	
diuron			X		triethylamine			X	
epichlorohydrin			X		trimethylamine			X	

- A. KNOWN TO BE PRESENT
B. SUSPECTED TO BE PRESENT
C. KNOWN TO BE ABSENT
D. SUSPECTED TO BE ABSENT

NEWARK, NJ 07105

8428910662

04/15/94 TABLE 3. EPA HAZARDOUS SUBSTANCES (CONTINUED)

CHECK APPROPRIATE BOX

NAME	A	B	C	D		A	B	C	D
ethanolamine			X		uranium			X	
ethion			X		vanadium			X	
ethylene diamine			X		vinyl acetate			X	
ethylene dibromide			X		xylene	X			
formaldehyde			X		xlenol			X	
furfural			X		zirconium			X	
guthion			X						
isoprene			X						

- A. KNOWN TO BE PRESENT
- B. SUSPECTED TO BE PRESENT
- C. KNOWN TO BE ABSENT
- D. SUSPECTED TO BE ABSENT

DANIEL F. BECHT, ESQ.
CHAIRMAN

THOMAS J. CIPELLI
VICE CHAIRMAN

DOMINIC W. CUCCINELLO
RONALD W. GIACONIA
JAMES KRONE
RAYMOND LUCHKO
FRANK ORECHIO
DONALD TUCKER
COMMISSIONERS



Passaic Valley
Sewerage Commissioners

600 WILSON AVENUE
NEWARK, N.J. 07105
(201) 344-1800
Fax: (201) 344-2951

ROBERT J. DAVENPORT
EXECUTIVE DIRECTOR

PETER G. SHERIDAN
CHIEF COUNSEL

LOUIS LANZILLO
CLERK

October 14, 1994

Mr. Arthur Diffenbach
Reichhold Chemical Inc.
300-400 Doremus Avenue
Newark, New Jersey 07105

Certified Mail
P 252 571 437

RE: SEWER CONNECTION PERMITS

Dear Mr. Diffenbach:

Enclosed you will find your Sewer Connection Permit for discharge into the Passaic Valley Sewerage Commissioners system.

Very truly yours,

PASSAIC VALLEY SEWERAGE COMMISSIONERS

Frank P. D'Ascensio
Manager of Industrial & Pollution Control

FPD/mc

Enclosures

cc: City of Newark

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PASSAIC VALLEY SEWERAGE COMMISSIONERS

SEWER CONNECTION PERMIT

PERMIT # 20406320

(Please use the Permit Number on any correspondence with PVSC)
In compliance with the provisions of the Federal Water Pollution Control Act, its amendments, the Clean Water Act and the Rules and Regulations of the Passaic Valley Sewerage Commissioners:

Reichhold Chemicals, Inc.(herein, after referred to as the Permittee)

is authorized to discharge from a facility located at

390-400 Doremus AvenueNewark, New Jersey 07105

to the Passaic Valley Sewerage Commissioners Treatment Works in accordance with discharge limitations, monitoring requirements and other conditions set forth herein.

EFFECTIVE DATE 10/16/94EXPIRATION DATE 10/16/99

PASSAIC VALLEY SEWERAGE COMMISSIONERS

BY: 

EXECUTIVE DIRECTOR

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CONDITIONS**A. GENERAL PROHIBITIONS**

1. No person shall discharge or deposit or cause or allow to be discharged or deposited into the treatment works or public sewer any waste which contains the following:

- a. **EXPLOSIVE MIXTURES**

Pollutants which create a fire or explosion hazard to the treatment works, collection system or to the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphta, benzene, toluene, xylene, ethers, etc.

- b. **CORROSIVE WASTES**

Any waste which will cause corrosion or deterioration of the treatment works. All wastes must have a pH not less than 5. Unless otherwise stated in the Sewer Connection Permit, all waste shall have a pH not more than 10.5. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride or flouride compounds, etc.

- c. **SOLID OR VISCOUS WASTES**

Solid or viscous wastes which would cause obstruction to the flow in a sewer, or otherwise interfere with the proper operation of the treatment works. Prohibited materials include, but are not limited to, uncomminuted garbage, bones, hides or fleshings, cinders, sand, stove or marble dust, glass, etc.

- d. **OILS AND GREASE**

- (1) any industrial wastes containing floatable fats, wax, grease or oils.
- (2) any industrial wastes containing more than 100 mg/l of petroleum hydrocarbons.

- e. **NOXIOUS MATERIAL**

Noxious or malodorous solids, liquids or gases, which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into a sewer for its maintenance and repair.

- f. **RADIOACTIVE WASTES**

Radioactive wastes or isotopes of such half life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will, or may cause damage or hazards to the treatment works or personnel operating the system.

g. **EXCESSIVE DISCHARGE RATE**

Industrial wastes discharged in a slug of such volume or strength so as to cause a treatment process upset and subsequent loss of treatment efficiency.

h. **HEAT**

(1) any discharge in excess of 150⁰ F (65⁰C)

(2) Heat in amounts which would inhibit biological activity in the PVSC treatment works resulting in a treatment process upset and subsequent loss of treatment efficiency, but in no case shall heat be introduced into the PVSC treatment works in such quantities that the temperature of the influent waters at the treatment plant exceed 40⁰C (104⁰F).

i. **UNPOLLUTED WATERS**

Any unpolluted water including, but not limited to, cooling water or uncontaminated storm water, which will increase the hydraulic load on the treatment system, except as approved by PVSC.

j. **WATER**

Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits.

2. No person shall discharge or convey, or permit to be discharged or conveyed, to the treatment works any wastes containing pollutants of such character or quantity that will:

- a. Not be susceptible to treatment or interfere with the process or efficiency of the treatment system.
- b. Violate pretreatment standards. As pretreatment standards for toxic or other hazardous pollutants are promulgated by USEPA for a given industrial category, all industrial users within that category must immediately conform to the USEPA timetable as well as any numeric limitations imposed by USEPA. In addition, an industrial user shall comply with any more stringent standards as determined by PVSC or other agency.
- c. Cause the PVSC treatment plant to violate its NJPDES permit, applicable receiving water standards, permit regulating sludge which is produced during treatment or any other permit issued to PVSC.

B. INSTALLATION OF SAMPLERS

The permittee shall install a 24 hour composite sampler on Outlet acceptable to PVSC with attachments for affixing seals,

which shall be maintained in proper working order at all times. The installed samplers shall draw a sample, over each operating day, which shall be representative of plant waste.

A one quart or one liter aliquot shall be set aside by (9:00 am) each operating day and refrigerated. A PVSC representative may pick up this sample during the day. Any sample not picked up by PVSC may be discarded at the end of that day.

Permittee shall insure that the sample is maintained between 1°C - 4°C during and after sample collection.

C. EFFLUENT LIMITATIONS, MONITORING AND COMPLIANCE REQUIREMENTS

1. During the period beginning (10/16/94) and lasting through (10/16/99) the permittee is authorized to discharge from Outlet(s) number(ed) (20406320-44100-0201). Such discharge shall be monitored by the permittee as specified below.
- Volume to be determined from Two (2) Incoming Purchased Water Meter Readings Less 5% credit for evaporation Plus OCPSF Process Wastewater from the Albert Avenue Plant. Sample Point is Located Inside Fire Pump House in a Pit on the Final Discharge from Plant.

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
		DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE	REPORTING PERIOD
BOD (0310)	XXXXXX	XXXXXX	Monthly	24 hr. comp.	Monthly
TSS (0530)	XXXXXX	XXXXXX	Monthly	24 hr. comp.	Monthly
pH (9000)	XXXXXX	5 to 10.5	Continuous	Recorder	*
LEL **	XXXXXX	XXXXXX	Continuous	Recorder	*
Volume	XXXXXX	XXXXXX	XXXXXX	XXXXXX	Monthly

* Permittee to store pH and LEL Recorder Charts and have available for review by PVSC personnel on demand.

** Regulated as defined in Appendix B, Pretreatment Limitation #2 of PVSC Rules and Regulations.

C. EFFLUENT LIMITATIONS, MONITORING AND COMPLIANCE REQUIREMENTS

1. During the period beginning (10/16/94) and lasting through (10/16/99) the permittee is authorized to discharge from Outlet(s) number(ed) (20406320-44100-0201). Such discharge shall be monitored by the permittee as specified below. Volume to be determined from the Level Gauges on the Feed Tank. Sample Point is Located in the Pretreatment Area on the Discharge Line of the Stripper Equipment. Permittee to submit volume in accordance with PVSC Pretreatment Discharge Monitoring Report Form MR-1.

40 CFR 414.55 Subpart E.

EFFLUENT CHARACTERISTIC DISCHARGE LIMITATIONS MONITORING REQUIREMENTS

	All units are in Grams per Day		MEASUREMENT FREQUENCY	SAMPLE TYPE	REPORTING PERIOD
	MONTHLY AVERAGE	DAILY MAXIMUM			
Volume * (a)	XXXXXX (a)	XXXXXX (a)	XXXXXXX Monthly	XXXXXX (a)	Monthly Monthly

* Regulated Volume = GPD for 211 Production Days during the 1991 Production Year.

- (a) See Page 8 of 14, Section 2 F of this Permit for Effluent Characteristics, Daily and Monthly Discharge Limitations, and Sample Type.

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2. In addition to the monitoring required in Section C.1 the Permittee is required to meet the following schedule of compliance:
 - A. Analysis of wastewater parameters shall be performed by a laboratory that has been certified by the State of New Jersey.
 - B. Permittee is required to submit as an attachment to the MR-2 Form Monthly, a water balance showing calculations used to report volume discharged.
 - C. N.J.P.D.E.S.

Direct Discharge outlet monitored by N.J.D.E.P. - Permit #NJ 0063738 - Newark Bay.

- D. The permittee shall notify in writing all agencies as directed by 40 CFR 403.12 (p) of any discharges classified hazardous waste under 40 CFR 261.
- E. Pretreatment Compliance Requirements - Organic Chemicals Categorical Pretreatment Standards 40 CFR 414.

Permittee to be in compliance with Organic Chemicals Categorical Pretreatment Standards 40 CFR 414.55 Subpart E.

Permittee to submit a Periodic Compliance Monitoring Report MR-1 Form for Monthly Reporting Requirements within twenty-one (21) days after the end date of each preceding Month in accordance with General Pretreatment Regulations 40 CFR 403.12 section (e).

ADDITIONAL REQUIREMENTS SECTION C2 CONTINUED:

			REGULATION CONCENTRATIONS		PERMIT LIMITS		SAMPLE TYPE
	EFFLUENT	VOLUME	LIMITS ug/l		MASS LIMITS g/day		GRAB/
#	CHARACTERISTICS	MGD	AVG	MAX	AVG	MAX	COMPOSITE
1	Benzene	0.008093	57	134	1.74602	4.10469	GRAB
2	Carbon Tetrachloride	0.008093	142	380	4.34974	11.64016	GRAB
3	Chlorobenzene	0.008093	142	380	4.34974	11.64016	GRAB
4	1,2,4,-Trichlorobenzene	0.008093	196	794	6.00387	24.32181	COMPOSITE
5	Hexachlorobenzene	0.008093	196	794	6.00387	24.32181	COMPOSITE
6	1,2-Dichloroethane	0.008093	180	574	5.51376	17.58277	GRAB
7	1,1,1-Trichloroethane	0.008093	22	59	0.67390	1.80729	GRAB
8	Hexachloroethane	0.008093	196	794	6.00387	24.32181	COMPOSITE
9	1,1-Dichloroethane	0.008093	22	59	0.67390	1.80729	GRAB
10	1,1,2-Trichloroethane	0.008093	32	127	0.98022	3.89026	GRAB
11	Chloroethane	0.008093	110	295	3.36952	9.03644	GRAB
12	Chloroform	0.008093	111	325	3.40015	9.95540	GRAB
13	1,2-Dichlorobenzene	0.008093	196	794	6.00387	24.32181	COMPOSITE
14	1,3-Dichlorobenzene	0.008093	142	380	4.34974	11.64016	COMPOSITE
15	1,4-Dichlorobenzene	0.008093	142	380	4.34974	11.64016	COMPOSITE
16	1,1-Dichloroethylene	0.008093	22	60	0.67390	1.83792	GRAB
17	1,2-Trans-Dichloroethylene	0.008093	25	66	0.76580	2.02171	GRAB
18	1,2-Dichloropropane	0.008093	196	794	6.00387	24.32181	GRAB
19	1,3-Dichloropropylene	0.008093	196	794	6.00387	24.32181	GRAB
20	Ethylbenzene	0.008093	142	380	4.34974	11.64016	GRAB
21	Methylene Chloride	0.008093	36	170	1.10275	5.20744	GRAB
22	Methyl Chloride (Chloromethane)	0.008093	110	295	3.36952	9.03644	GRAB
23	Hexachlorobutadiene	0.008093	142	380	4.34974	11.64016	COMPOSITE
24	Nitrobenzene	0.008093	2237	6402	68.52380	196.10610	COMPOSITE
25	2-Nitrophenol	0.008093	65	231	1.99108	7.07599	COMPOSITE
26	4-Nitrophenol	0.008093	162	576	4.96238	17.64403	COMPOSITE
27	4,6-Dinitro-O-Cresol	0.008093	78	277	2.38930	8.48507	COMPOSITE
28	Tetrachloroethylene	0.008093	52	164	1.59286	5.02365	GRAB
29	Toluene	0.008093	28	74	0.85770	2.26677	GRAB
30	Trichloroethylene	0.008093	26	69	0.79643	2.11361	GRAB
31	Vinyl Chloride	0.008093	97	172	2.97130	5.26870	GRAB
32	Total Cyanide	0.008093	420	1200	12.86544	36.75841	GRAB
33	Total Lead	0.008093	320	690	9.80224	21.13608	COMPOSITE
34	Total Zinc	0.008093	1050	2610	32.16361	79.94953	COMPOSITE
35	Acenaphthene*	0.008093	19	47	0.58201	1.43970	COMPOSITE
36	Anthracene*	0.008093	19	47	0.58201	1.43970	COMPOSITE
37	Bis(2-ethylhexyl)phthalate*	0.008093	95	258	2.91004	7.90306	COMPOSITE
38	Di-n-butyl phthalate*	0.008093	20	43	0.61264	1.31718	COMPOSITE
39	Diethyl phthalate*	0.008093	46	113	1.40907	3.46142	COMPOSITE
40	Dimethyl phthalate*	0.008093	19	47	0.58201	1.43970	COMPOSITE
41	Fluoranthene*	0.008093	22	54	0.67390	1.65413	COMPOSITE
42	Fluorene*	0.008093	19	47	0.58201	1.43970	COMPOSITE
43	Naphthalene*	0.008093	19	47	0.58201	1.43970	COMPOSITE
44	Phenanthrene*	0.008093	19	47	0.58201	1.43970	COMPOSITE
45	Pyrene*	0.008093	20	48	0.61264	1.47034	COMPOSITE

* COMPLIANCE DATE IS JULY 23, 1996 FOR THIS PARAMETER.

MASS LIMITS (g/DAY, #/DAY, Kg/DAY, ETC.) = COLUMN C X COLUMN D or E X CONVERSION FACTOR(S).
COLUMN C = VOLUME, COLUMN D = AVG. REG. CONCENTRATION, COLUMN E = MAX. REG. CONCENTRATION.

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D. MONITORING AND REPORTING**1. USER CHARGE**

Monitoring results obtained during the previous month shall be reported on Discharge Monitoring Report Form MR-2. Reports are due at PVSC within twenty-one (21) days after the end date of each preceding month. The first report is due on (*). If and Industrial User fails to submit Form MR-2 on a timely basis, the Executive Director shall estimate the use for the period. The estimates may be made thirty (30) days after the due date of the report.

2. PRETREATMENT

Monitoring results shall be reported on Discharge Monitoring Report Form, MR-1 for monthly reporting. Reports are due at PVSC within twenty-one (21) days after the end date of each preceding month.

3. REPORTS

Properly signed reports required herein shall be submitted to PVSC at the following address:

**PASSAIC VALLEY SEWERAGE COMMISSIONERS
INDUSTRIAL WASTE CONTROL DEPARTMENT
600 Wilson Avenue
Newark, NJ 07105**

4. TEST PROCEDURES

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Test procedures for the analysis of pollutants shall conform to regulations contained in the PVSC Rules and Regulations, Federal, State and local laws or regulations.

5. RECORDING OF RESULTS

For each measurement of a sample taken pursuant to the requirements of this permit, the permittee shall maintain a record of the following information:

- a. The date, exact place and time of sampling;
- b. The dates the analyses were performed;
- c. The person (s) who performed the analysis;
- d. The analytical techniques or methods used;
- e. The results of all required analyses.

* Permittee has been required to submit Monitoring Reports MR-2 to PVSC since 10/21/89.

6. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors any pollutant at the location (s) designated herein more frequently than required by this permit, using the approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Forms (PVSC Form MR-1 or MR-2). Such increased frequency shall also be indicated.

7. RECORDS RETENTION

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed, calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of (5) years.

8. DEFINITIONS

- a. The "30 day average" discharge means the average of daily values for 30 consecutive monitoring days. For the purpose of enforcement of Pretreatment Standards, consecutive samples taken and analyzed shall be considered as being taken on consecutive days even though one or more non-sampling days intervene. In applying the Pretreatment Standards where more than one but less than 30 samples have been taken and analyzed during any month, a formula, specified by USEPA, will be used to calculate the "30 day average".
- b. The "daily maximum" discharge means the highest discharge by weight or other appropriate units, as specified herein, during any calendar day.
- c. "Daily" - each operating day.
- d. "Weekly" - one day each week during a normal operating day.
- e. "Monthly" - one day each month during a normal operating day.
- f. "Composite" - a combination of individual samples obtained at regular intervals over the entire discharge day.

The volume of each sample shall be proportional to the discharge flow rate unless specifically modified by PVSC. For a 24 hour continuous discharge, a minimum of 24 individual samples shall be collected at equal intervals and at least once per hour. For continuous discharges of less than 12 hours, individual samples shall be taken at least once every 30 minutes. For discharges which are not continuous, individual samples shall be taken such that they will be representative of plant waste.

- g. "Grab" - an individual sample collected in less than 15 minutes.
- h. "Quarterly" - every three (3) months.
- i. "N/A" - not applicable.

E. MANAGEMENT REQUIREMENTS

1. CHANGE IN DISCHARGES

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or modification which will result in new, different, or increased discharges of pollutants must be reported by submission of a new PVSC Sewer Connection Application or, if such changes will not violate the effluent limitations specified in this permit, by notices to PVSC of such changes. Following such notices, the permit may be modified to specify and limit any pollutants not previously limited.

2. NONCOMPLIANCE NOTIFICATION

If, for any reason, the permittee does not comply with, or will be unable to comply with any effluent limitation specified in this permit, the permittee shall notify PVSC within 24 hours of the occurrence.

If this report is made orally, a written report containing the following information, shall be submitted within five (5) working days:

- a. A description of the discharge and the cause of the period of noncompliance;
- b. The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue, and
- c. The steps being taken to reduce, eliminate and prevent a recurrence of the noncomplying discharge.

3. **FACILITIES OPERATION**

The permittee shall at all times maintain in good working order and operate as efficiently as possible all pretreatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

4. **ADVERSE IMPACT**

The permittee shall take all reasonable steps to minimize any adverse impact to the PVSC Treatment Works resulting from noncompliance with any pretreatment limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. This condition in no way affects PVSC's right to suspend a permit in order to stop a discharge which presents an imminent or substantial hazard to the public health, safety or welfare to the local environment or which interferes with the operation of the PVSC Treatment Works.

5. **REMOVED SUBSTANCES**

Solids, sludges, filter backwash or other pollutants or hazardous waste removed in the course of pretreatment or control of wastewaters and/or the treatment of intake waters shall be disposed of in accordance with applicable Federal, State and local laws and regulations. Records documenting such disposal shall be made available to PVSC for review upon request.

F. MANAGEMENT RESPONSIBILITIES**1. RIGHT OF ENTRY**

The permittee shall allow the authorized representatives of PVSC, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring methods required in this permit; and to sample any discharge of pollutants.

2. TRANSFER OF OWNERSHIP OR CONTROL

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall, in writing, notify the succeeding owner or controller of the existence of this permit, and the need to apply for a new permit, a copy of which shall be forwarded to PVSC.

3. PERMIT MODIFICATION

After notice and opportunity for a hearing, this permit may be modified, or revoked in whole or in part during its terms for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

4. **TOXIC POLLUTANTS**

Notwithstanding (Section C), above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition), is established under Section 307 (b) of the Federal Water Pollution Control Act (the Act), its amendments, or any other subsequent law or regulation, for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

5. **CIVIL AND CRIMINAL LIABILITY**

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

6. **STATE LAWS**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State Law or regulation under authority preserved by Section 510, of the Federal Water Pollution Control Act. (The Act)

7. **PROPERTY RIGHTS**

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

8. **SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

400 Dorem Ave.
Newark, NJ 07105

WASTE WATER FLOW DIAGRAM - OCPSF REGULATED
FOR MONTH OF: _____

REGULATED FLOW FROM
DOREMUS AVENUE

GAL.

GAL.

REGULATED FLOW FROM
ALBERT AVENUE

DOREMUS AVE. NON-OCPSF FLOW
_____ GALLONS

PROCESS WATER, OCPSF
REGULATED WATER
_____ GALLONS

PRE TREATMENT SYSTEM

PH MONITORING AND
SAMPLING POINT
OUTLET 20406320
USER CHARGE

OCPSF EFFLUENT

PRETREATMENT SAMPLING POINT
FOR OCPSF DISCHARGE
OUTLET 20406320

PLANT DISCHARGE TO PVSC

LIFT
STATION

OCPSF REGULATED FLOW: _____ GAL.

NON-OCPSF FLOW: _____ GAL.

TOTAL FLOW: _____ GAL.

SIGNED: *Kenneth R. Way*

DATE: *6/24/94*

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§ 403.11(b) introductory text a. as by
3 FR 40610, October 17, 1968;

(1) Issue a public notice of request for approval of the Submission;

(b) This public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the Submission. Procedures for the circulation of public notice shall include:

(A) Mailing notices of the request for approval of the Submission to designated 208 planning agencies, Federal and State fish, shellfish, and wildlife resource agencies; and to any other person or group who has requested individual notice, including those on appropriate mailing lists; and

(B) Publication of a notice of request for approval of the Submission in the largest daily newspaper within the jurisdiction(s) served by the POTW.

(ii) The public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the Submission.

(iii) All written comments submitted during the 30 day comment period shall be retained by the Approval Authority and considered in the decision on whether or not to approve the Submission. The period for comment may be extended at the discretion of the Approval Authority; and

(2) Provide an opportunity for the applicant, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the Submission.

(i) This request for public hearing shall be filed within the 30 day (or extended) comment period described in paragraph (b)(1)(ii) of this section and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted.

(ii) The Approval Authority shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the Submission should be approved. Instances of doubt should be resolved in favor of holding the hearing.

(iii) Public notice of a hearing to consider a Submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the

same newspaper as the notice of original request for approval of the Submission under paragraph (b)(1)(B) of this section. In addition, notice of the hearing shall be sent to those persons requesting individual notice.

(c) *Approval authority decision.* At the end of the 30 day (or extended) comment period and within the 90 day (or extended) period provided for in paragraph (a) of this section, the Approval Authority shall approve or deny the Submission based upon the evaluation in paragraph (a) of this section and taking into consideration comments submitted during the comment period and the record of the public hearing, if held. Where the Approval Authority makes a determination to deny the request, the Approval Authority shall so notify the POTW and each person who has requested individual notice. This notification shall include suggested modifications and the Approval Authority may allow the requestor additional time to bring the Submission into compliance with applicable requirements.

(d) *EPA objection to Director's decision.* No POTW pretreatment program or authorization to grant removal allowances shall be approved by the Director if following the 30 day (or extended) evaluation period provided for in paragraph (b)(1)(i) of this section and any hearing held pursuant to paragraph (b)(2) of this section the Regional Administrator sets forth in writing objections to the approval of such Submission and the reasons for such objections. A copy of the Regional Administrator's objections shall be provided to the applicant, and each person who has requested individual notice. The Regional Administrator shall provide an opportunity for written comments and may convene a public hearing on his or her objections. Unless retracted, the Regional Administrator's objections shall constitute a final ruling to deny approval of a POTW pretreatment program or authorization to grant removal allowances 90 days after the date the objections are issued.

(e) *Notice of decision.* The Approval Authority shall notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the Submission. In addition, the Approval Authority shall cause to be published a notice of approval or disapproval in

the same newspaper as the original notice of request for approval of the Submission was published. The Approval Authority shall identify in any notice of POTW Pretreatment Program approval any authorization to modify categorical Pretreatment Standards which the POTW may make, in accordance with § 403.7, for removal of pollutants subject to Pretreatment Standards.

(f) *Public access to submission.* The Approval Authority shall ensure that the Submission and any comments upon such Submission are available to the public for inspection and copying.

§ 403.12 Reporting requirements for POTW's and industrial users.

(a) *Definition.* The term "Control Authority" as it is used in this section refers to: (1) The POTW if the POTW's Submission for its pretreatment program (§ 403.3(a)(1)) has been approved in accordance with the requirements of § 403.11; or (2) the Approval Authority if the Submission has not been approved.

(b) *Reporting requirements for industrial users upon effective date of categorical pretreatment standard—baseline report.* Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under § 403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)-(7) of this section. Where reports containing this information already have been submitted to the Director or Regional Administrator in compliance with the requirement of 40 CFR 128.140(b) (1977), the Industrial User will not be required to submit this information again. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (b)(1)-(5) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet

[Sec. 403.12(b)]

applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (b) (4) and (5) of this section:

[403.12(b) introductory text amended by 53 FR 40610, October 17, 1988]

(1) *Identifying information.* The User shall submit the name and address of the facility including the name of the operator and owners;

(2) *Permits.* The User shall submit a list of any environmental control permits held by or for the facility;

(3) *Description of operations.* The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

(4) *Flow measurement.* The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula of § 403.6(e). (See paragraph (b)(5)(v) of this section.)

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) *Measurement of pollutants.* (i) The user shall identify the Pretreatment Standards applicable to each regulated process;

(ii) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;

[403.12(b)(5)(iii) and (iv) amended by 53 FR 40610, October 17, 1988]

(iii) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Control

Authority may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.

(iv) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(v) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of § 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with § 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(vi) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;

(vii) The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(viii) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW;

(6) *Certification.* A statement, reviewed by an authorized representative of the Industrial User (as defined in paragraph (k) of this section) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(7) *Compliance schedule.* If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

(i) Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (§ 403.7), the combined wastestream formula (§ 403.6(e)), and/or a Fundamentally Different Factors variance (§ 403.13) at the time the User submits the report required by paragraph (b) of this section, the information required by paragraphs (b)(6) and (7) of this section shall pertain to the modified limits.

(ii) If the categorical Pretreatment Standard is modified by a removal allowance (§ 403.7), the combined wastestream formula (§ 403.6(e)), and/or a Fundamentally Different Factors variance (§ 403.13) after the User submits the report required by paragraph (b) of this section, any necessary amendments to the information requested by paragraphs (b)(6) and (7) of this section shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.

(c) *Compliance schedule for meeting categorical Pretreatment Standards.* The following conditions shall apply to the schedule required by paragraph (b)(7) of this section:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major

[Sec. 403.12(c)(1)]

components, commencing construction, completing construction, etc.).

(2) No increment referred to in paragraph (c)(1) of this section shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Control Authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Control Authority.

(d) *Report on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in paragraphs (b) (4)-(6) of this section. For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in § 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

[403.12(d) revised by 53 FR 40610, October 17, 1988]

(e) *Periodic reports on continued compliance.* (1) Any Industrial User subject to a categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Control Authority or the

Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in paragraph (b)(4) of this section except that the Control Authority may require more detailed reporting of flows. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may agree to alter the months during which the above reports are to be submitted.

(2) Where the Control Authority has imposed mass limitations on Industrial Users as provided for by § 403.6(d), the report required by paragraph (e)(1) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.

[403.12(e)(3) added, (f)-(j) added, former (h)-(l) redesignated as (k)-(o) by 53 FR 40610, October 17, 1988]

(3) For Industrial Users subject to equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in § 403.6(c), the report required by paragraph (e)(1) shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph (e)(1) shall include the User's actual average production rate for the reporting period.

(f) *Notice of potential problems, including slug loading.* All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by § 403.5(b), by the Industrial User.

(g) *Monitoring and analysis to demonstrate continued compliance.* (1) The reports required in paragraphs (b), (d), and (e) of this section shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of

pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the Control Authority in lieu of the Industrial User. Where the POTW performs the required sampling and analysis in lieu of the Industrial User, the User will not be required to submit the compliance certification required under §§ 403.12(b) (6) and 403.12(d). In addition, where the POTW itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

(2) If sampling performed by an Industrial User indicates a violation, the user shall notify the Control Authority within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

(i) The Control Authority performs sampling at the Industrial User at a frequency of at least once per month, or

(ii) The Control Authority performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

(3) The reports required in paragraph (e) of this section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

(4) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to section 304(h) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. (See §§ 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappro-

[Sec. 403.12(g)(4)]

private for the pollutant in question. sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator.

(5) If an Industrial User subject to the reporting requirement in paragraph (e) of this section monitors any pollutant more frequently than required by the Control Authority, using the procedures prescribed in paragraph (g)(4) of this section, the results of this monitoring shall be included in the report.

(h) *Reporting requirements for Industrial Users not subject to categorical Pretreatment Standards.* The Control Authority shall require appropriate reporting from those Industrial Users with discharges that are not subject to categorical Pretreatment Standards. Significant Noncategorical Industrial Users shall submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the Administrator. This sampling and analysis may be performed by the Control Authority in lieu of the significant noncategorical industrial user. Where the POTW itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report.

[403.12(h) revised by 55 FR 30128, July 24, 1990]

(i) *Annual POTW reports.* POTW with approved Pretreatment Programs shall provide the Approval Authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this section shall be submitted no later than one year after approval of the POTW's Pretreatment Program, and at least annually thereafter, and shall include, at a minimum, the following:

(1) An updated list of the POTW's Industrial Users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which Industrial Users are subject to categorical pretreatment Standards and specify which Standards are applicable to each Industrial User. The list shall indicate which Industrial Users are subject to local standards that are more stringent than the categorical Pretreatment Standards. The POTW shall also list the Industrial Users that are subject only to local Requirements.

(2) A summary of the status of Industrial User compliance over the reporting period;

(3) A summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period; and

(4) Any other relevant information requested by the Approval Authority.

(j) *Notification of changed discharge.* All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

[403.12(j) revised by 55 FR 30128, July 24, 1990]

(k) *Compliance schedule for POTW's.* The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW Pretreatment Program required by § 403.8.

(1) The schedule shall contain increments of progress in the form of dates

for the commencement and completion of major events leading to the development and implementation of a POTW Pretreatment Program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);

(2) No increment referred to in paragraph (h)(1) of this section shall exceed nine months;

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the Approval Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Approval Authority.

[403.12 (l) revised by 53 FR 40610, October 17, 1988]

(l) *Signatory requirements for industrial user reports.* The reports required by paragraphs (b), (d), and (e) of this section shall include the certification statement as set forth in § 403.8(a)(2)(ii), and shall be signed as follows:

(1) By a responsible corporate officer, if the Industrial User submitting the reports required by paragraphs (b), (d) and (e) of this section is a corporation. For the purpose of this paragraph, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the Industrial User submitting the reports required by paragraphs (b), (d) and (e) of this section is a partnership or sole proprietorship respectively.

[Sec. 403.12(l)(2)]

(3) By a duly authorized representative of the individual designated in paragraph (1)(1) or (1)(2) of this section if:

(i) The authorization is made in writing by the individual described in paragraph (1)(1) or (1)(2);

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the Control Authority.

(4) If an authorization under paragraph (1)(3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (1)(3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

(m) **Signatory requirements for POTW reports.** Reports submitted to the Approval Authority by the POTW in accordance with paragraph (h) of this section must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the POTW.

(n) **Provisions Governing Fraud and False Statements:** The reports and other documents required to be submitted or maintained under this section shall be subject to:

(1) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;

(2) The provisions of sections 303(c)(4) of the Act as amended, governing false statements, representation or certification; and

(3) The provisions of section 303(c)(6) regarding responsible corporate officers. [403.12(n) amended by 53 FR 40610, October 17, 1988; revised by 55 FR 30128, July 24, 1990]

(o) **Record-keeping requirements.** (1) Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain

records of all information resulting from any monitoring activities required by this section. Such records shall include for all samples:

(i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods used; and

(v) The results of such analyses.

(2) Any Industrial User or POTW subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the Director and the Regional Administrator (and POTW in the case of an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or POTW or when requested by the Director or the Regional Administrator.

(3) Any POTW to which reports are submitted by an Industrial User pursuant to paragraphs (b), (d), (e) and (h) of this section shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator.

[403.12(o)(3) amended by 53 FR 40610, October 17, 1988]

[403.12(p) added by 55 FR 30128, July 24, 1990]

(p)(1) The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste

number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastewater discharged during that calendar month, and an estimation of the mass of constituents in the wastewater expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d), and (e).

(2) Dischargers are exempt from the requirements of paragraph (p)(1) of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management

Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under paragraph (p) of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

[403.12(p) Appendix added by 55 FR 30128, July 24, 1990]

Appendix—Hazardous Waste Authority Notifications under 40 CFR 403.12(p)

Environmental Protection Agency

Region I

Director, Waste Management Division,
Environmental Protection Agency, John F.
Kennedy Building, Boston, Massachusetts
02203

Region II

Director, Air & Waste Management Division,
Environmental Protection Agency, 26
Federal Plaza, New York, New York 10278

Region III

Director, Hazardous Waste Management
Division, Environmental Protection Agency,
841 Chestnut Street, Philadelphia,
Pennsylvania 19107

Region IV

Director, Waste Management Division,
Environmental Protection Agency, 345
Courtland St. N.E., Atlanta, Georgia 30365

Region V

Director, Waste Management Division,
Environmental Protection Agency, 230
South Dearborn Street, Chicago, Illinois
60604

Region VI

Director, Hazardous Waste Management
Division, Environmental Protection Agency,
1445 Ross Avenue, Suite 1200, Dallas,
Texas 75202

Region VII

Director, Waste Management Division,
Environmental Protection Agency, 728
Minnesota Avenue, Kansas City, Kansas
66101

Region VIII

Director, Hazardous Waste Management
Division, Environmental Protection Agency,
One Denver Place, 888 16th St., Suite 800,
Denver, Colorado 80202-2406

Region IX

Director, Hazardous Waste Management
Division, Environmental Protection Agency,
1225 Mission Street, San Francisco,
California 94108

Region X

Director, Hazardous Waste Division,
Environmental Protection Agency, 1320 6th
Avenue, Seattle, Washington 98101

States

New Jersey

Assistant Commissioner, Division of HQ
Waste Management, Department of

Environmental Protection, 601 East State
Street, Trenton, New Jersey 08615

[Sec. 403.12(p)(4)]

Let's protect our earth



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

METRO BUREAU OF REGIONAL ENFORCEMENT

2 BABCOCK PLACE

WEST ORANGE, NEW JERSEY 07052

Eric Evenson
Acting Director

DIRK C. HOFMAN, P.E.
DEPUTY DIRECTOR

January 19, 1990

Mr. John Rankin, Plant Manager
Spencer Kellogg Products
HL Chemicals
400 Doremus Avenue
Newark, NJ 07105

Re: Compliance Evaluation Inspection
Spencer Kellogg Products
NJPDES No. NJ0063738
Newark/Essex County

Dear Mr. Rankin:

A Compliance Evaluation Inspection of your facility was conducted by representatives of this Division on November 16, 1989. A copy of the completed inspection report form is enclosed for your information.

Your facility received a rating of "UNACCEPTABLE" due to the following deficiency:

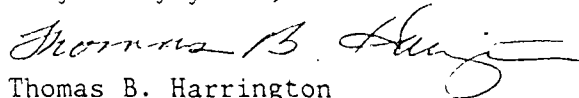
Facility exceeded permit limits, as noted on Page 3 of the attached discharge surveillance Report.

The deficiency noted above have placed your facility in significant violation of the terms and conditions of your NJPDES permit and/or the Water Pollution Control Act Regulations (N.J.A.C. 7:14A-1 et seq.). You are therefore DIRECTED to institute corrective measures. A written report concerning specific details of remedial measures to be instituted, as well as an implementation timetable, must be submitted to this Department and USEPA, Permits Administration Branch within thirty (30) calendar days of the date of this correspondence.

Please direct all correspondence and inquiries to Richard White, the Compliance Investigator responsible for this case, who can be reached at (201) 669-3900 or by letter through this Division.

Failure to fully comply with the above will result in the initiation of enforcement action by this Department. This shall in no way be construed, however, to indicate any exemptions on your part from possible penalties for violations indicated by the Compliance Evaluation Inspection, as stated above.

Very truly yours,



Thomas B. Harrington
Acting Section Chief
Surface Water & Sewer System Enforcement
Metro Bureau of
Regional Enforcement

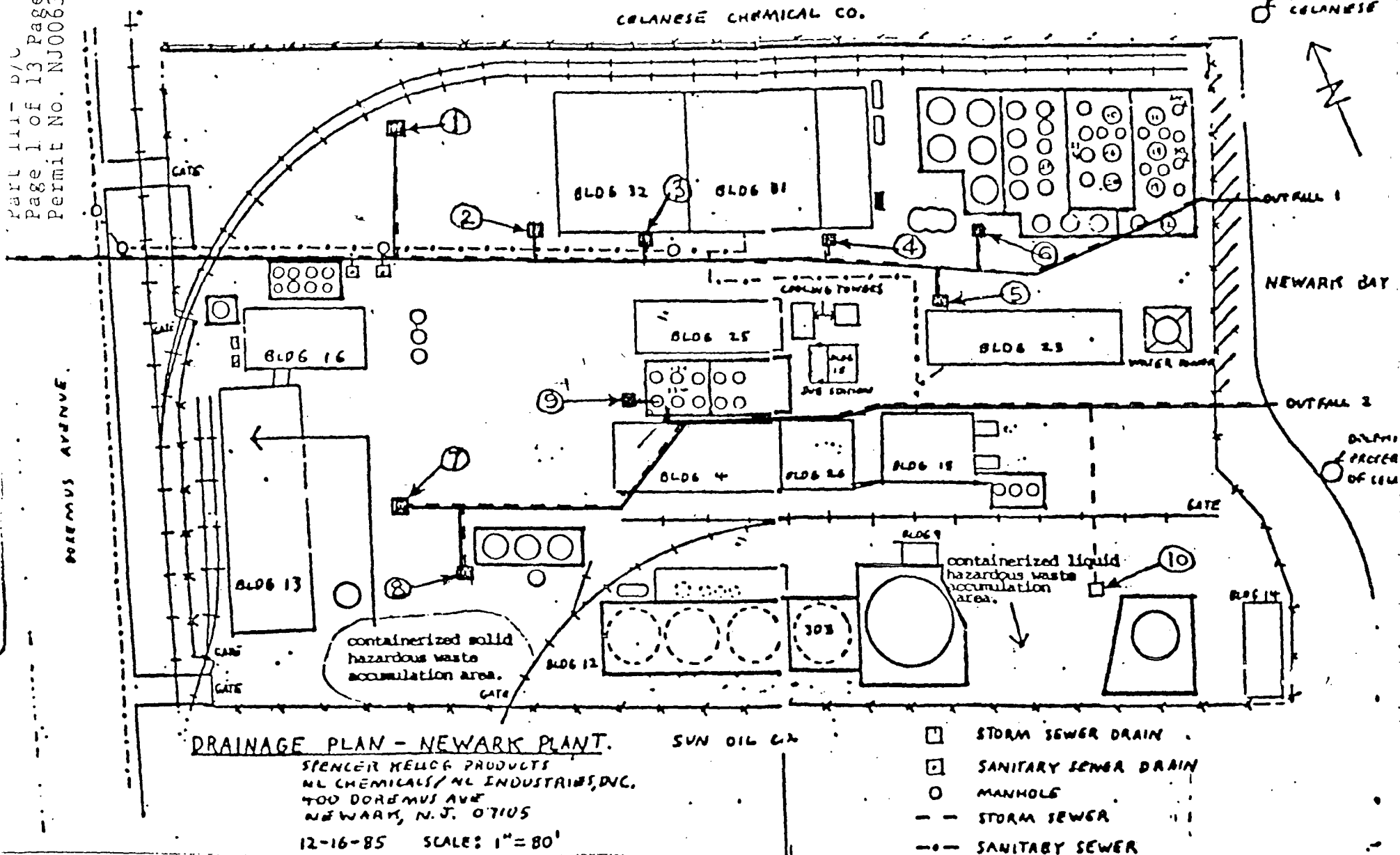
A53:G26

c: Chief, Permits Administration Branch, USEPA
Mr. Patrick M. Durack, USEPA
Mr. Robert Grimm, H.O.

COLANESI CHEMICAL CO.

DUPHIN PROPERTY OF COLANESI

8428910687



DSN 001A: Composite sample of grab samples taken at each storm drain 1, 2, 3, 4, and 5 represents the outfall of DSN 001A.

DSN 001B: Sample taken at the storm drain 6 represents the outfall of DSN 001B.

DSN 002: Composite sample of grab samples taken at each storm drain 7, 8, 9, and 10 represents the outfall of DSN 002.



DISCHARGE SURVEILLANCE REPORT

 Permit # NJ006373
 Date 11/16/89

PLANT DIAGRAM AND FLOW SEQUENCE:

SEE ATTACHED DRAWING PLAN

DSN 001A

DSN 001B

DSN 002

DISCHARGE DATA

SOURCE: 001A, 001BDMR'S

DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA	DIS	PARA	SAMPLE TYPE	DMR DATE	DATA
001A	COD	GRAB	100	—	001A	COD	GRAB	8/1/89 - 8/31/89	590
001B	COD	GRAB	100	—	001B	COD	GRAB	8/1/89 - 8/31/89	260
001B	COD	GRAB	100	—	001B	COD	GRAB	7/1/89 - 7/31/89	109
001A	COD	GRAB	100	—	001A	COD	GRAB	6/1/89 - 6/30/89	913
001B	TSS	GRAB	50	—	001B	TSS	GRAB	6/1/89 - 6/30/89	99
001A	COD	GRAB	100	—	001A	COD	GRAB	5/1/89 - 5/31/89	210
001A	COD	GRAB	100	—	001A	COD	GRAB	4/1/89 - 4/30/89	110

MONITORING DEFICIENCIES:



DISCHARGE SURVEILLANCE REPORT

Permit # NJ0063738
Date 1/14/89

PLANT DIAGRAM AND FLOW SEQUENCE:

DISCHARGE DATA

SOURCE: 001A, 001B

PERIOD: DMR'S

DIS	PARA	SAMPLE TYPE	PERMIT LIMITS	DATA	DIS	PARA	SAMPLE TYPE	DMR DATE	DATA
001B	COD	GRAB	100	-	001B	COD	GRAB	4/1/89-4/30/89	350

MONITORING DEFICIENCIES:

AS SHOWN ABOVE.



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES
CN 029, Trenton, N.J. 08625



DISCHARGE SURVEILLANCE REPORT

PERMIT # NS0063738 NO. OF DISCHARGES 001A, 001B, 002 CLASS MIN-IND
DISCHARGER SPENCER KELLOGG PRODUCTS NL CHEMICALS
OWNER SPENCER KELLOGG PRODUCTS NL CHEMICALS
MUNICIPALITY NEWARK COUNTY ESSEX WATERSHED CODE P
LOCATION 400 DOREMUS AVENUE
RECEIVING WATERS NEWARK BAY STREAM CLASS SE3
LICENSED OPERATOR & PLANT CLASS MR. JOHN RANKIN
~~TRAINEE/ASSISTANT~~ PLANT MANAGER OTHER INFO. 589-3709

DEFICIENCIES OR COMMENTS

FACILITY EXCEEDED PERMIT LIMITS
AS SHOWN ON PAGE 3 OF THIS
DISCHARGE SURVEILLANCE REPORT.

OVERALL RATING

☐ Acceptable

☐ Conditionally Acceptable

☒ Unacceptable

EVALUATOR

RICHARD WHITE

TITLE

ENVIRONMENTAL COMPLIANCE
INVESTIGATOR

INFORMATION FURNISHED BY

(Name)

JOHN RANKIN, ARTHUR DIEFENBACH

(Title)

PLANT MANAGER,
PLANT ENGINEER

(Organization)

SPENCER KELLOGG
NL CHEMICALS

DATE OF INSPECTION

NOVEMBER 16, 1989

8428910690

N.J.D.E.P.
D.W.R.

DISCHARGE SURVEILLANCE REPORT

Page 2 of 3 (I)
Permit #: NJ0063738
Date: 11/16/89

INDUSTRIAL TREATMENT PROCESS EVALUATION

RATING CODES: S = Satisfactory M = Marginal U = Unsatisfactory NA = Not Applicable

	RATING	COMMENTS
GENERAL		DISCHARGE # 001A, 001B, 002---
		WASTEWATER SOURCE(S) --- STORM WATER RUNOFF
		CONTINUITY OF OPERATION --- INTERMITTANT
		BYPASSES/OVERFLOWS N/A
		S.P.C.C. PLAN S
		ALARM SYSTEMS N/A
		ALTERNATE POWER SUPPLY N/A
TREATMENT PROCESSES		
		CATCH BASINS #1 - #5 - 001A
		" " #6 - 001B
		" " #7 - #10 & ANNUAL COOLING TOWER BREAKDOWN - 002
SLUDGE HANDLING		COOLING WATER & BOILER BREAKDOWN DISCHARGE TO PUSC
		MONITORING WELLS ON SITE.
		FILTER PRESS CALES
		EPA ID# NJD092217892
INFORMATION		PAT PERRETTI
		DISPOSAL SITE GSK - PINEWOOD S.C. #SLD070375805
		CHEMICAL WASTE MANAGEMENT, EMELLE ESTIMATE ALA.# ALD00062244
		FLOW METER & RECORDER S
		RECORDS S
		SAMPLING PROCEDURES S
		ANALYSES PERFORMED BY S COMPANY PERSONNEL
		TOUNCEY RESEARCH & CONSULTING INC. PLAINFIELD, N.J. SEPT. #18071
		MANUFACTURE OF RESINS AND POLYMERS FOR PAINT AND FINISHED PRODUCTS
OTHER		
		FINAL EFFLUENT APPEARANCE - OUTFALL UNDER WATER
		REC. WATERS APPEARANCE NI, PASSAIC RIVER

8428910691

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

Sept. 23, 1991

Mr. Peter T. Lynch, Chief
Metro Bureau of Regional Enforcement
2 Babcock Place
West Orange, NJ 07052-5504

RE.: NJPDES Permit No. NJ0063738

Dear Mr. Lynch:

This letter is in response to yours dated September 16, 1991, concerning violations of effluent limits against the above referenced permit for the period ending July 31, 1991.

The reported C.O.D. value for Pipe 001A was 132, which is in violation of the discharge limit of 100 mg/liter daily maximum.

As was noted in the comment section of the report, copy attached, this was the first incidence of non-compliance for this parameter. Its cause was unknown, and it was not expected to recur. The C.O.D. value for the same outfall for the following month was 47 mg/liter, well within compliance limits. (See Attachment)

During recent precipitation events, rainfall was observed flowing into the facility from Doremus Avenue, a heavily travelled road fronting the facility. It is possible that this was the source of contaminants which contributed to the high C.O.D. values. However, since the C.O.D. limit is not routinely exceeded, there are no current plans to prevent run-on of water from off-site.

Violation E41 regarding the absence of the limited pH concentration has been corrected. This data was inadvertently omitted from the report. A copy of the laboratory test results and the corrected report are attached hereto. We apologize for any inconvenience this may have caused.

I believe this resolves the issues raised in your letter. However, if you have any questions or require any further information, please contact me at the telephone number listed below.

Sincerely,



Robert Naujelis
Environmental & Safety Manager

RN/glm
cc: K. Taylor
(201) 589-3709
(201) 817-9173 (Facsimile)

8428910692

August 14, 1991

Mr. Mike Baxi
Reichhold Chemicals
Plant #013
400 Doremus Ave.
Newark, NJ 07105

Gentlemen:

Herewith our findings for the analysis of two (2) samples of wet weather stormwater, sampled by your personnel and picked up by us on 7/25/91:

	Sample No: 4111	4112	
	Source: # 1-5	# 7-10	
	Composite	Composite	
	<u>001A</u>	<u>001C</u>	<u>LIMIT</u>
Sample Date: 7/25/91		002A R.N.	
TSS, mg/l	12	6.4	50
COD, mg/l	132	35	- -
Petr. HC, mg/l	<0.05 nd	<0.05 nd	15
Phenols, mg/l	0.05	<0.05 nd	- -
pH, su	6.9	6.9	6-9
TOC, mg/l	31	11	*
VO (GC/MS)	See Attached		- -
A/B/N/Pesticides (GC/MS)	See Attached		- -
PCB (GC)	<0.001 nd	<0.001 nd	- -

* TOC at request of Reichhold, not required by Permit

Note: nd = none detected

Very truly yours,

Sharon E. Naples

QC Check: SP
SEN:wo

Sharon E. Naples
Lab Manager

8428910693

NAME WINDY HILLS CEMETERY, INC
 ADDRESS ONE EIGHT SEVEN EIGHT SEVEN AVE
AND BRIDGE AVENUE
WINDY HILLS, MISSISSIPPI

 FACILITY WINDY HILLS CEMETERY

 LOCATION WINDY HILLS, MISSISSIPPI

DMR NUMBER: 91050718

 PERMIT NUMBER 100-1175


 DISCHARGE NUMBER 100-1175

8428910694

MONITORING PERIOD										
YEAR			MO	DAY	TO	YEAR			MO	DAY
91			07	01		91			07	01
(20-21)			(22-23)	(24-25)		(26-27)			(28-29)	(30-31)

 STORM AND COLLING WATER
 MINOR ESSEX
 METRO REGION

NOTE: Read instructions before completing this form.

PARAMETER (32-37)	SAMPLE MEASUREMENT	QUANTITY OR LOADING (46-53)			QUALITY OR CONCENTRATION (38-45)				NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
TEMPERATURE, WATER DEG. CENTIGRADE 00010 1 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		22	22	22		0	7/25	
	PERMIT REQUIREMENT	*****	*****	****	REPORT MINIMUM	REPORT 30DA AVG	30.00000 DAILY MX	DEG.C		ONCE/MONTH	GRAB
OXYGEN DEMAND, CHEM. (HIGH LEVEL) (COD) 00340 1 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		*****	35	35		0	7/25	
	PERMIT REQUIREMENT	*****	*****	****	REPORT 30DA AVG	100.00000 DAILY MX	MG/L		ONCE/MONTH	GRAB	
PH 00400 1 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		6.9	*****	6.9		0	7/25	
	PERMIT REQUIREMENT	*****	*****	****	6.00000 MINIMUM	*****	9.00000 MAXIMUM	PU		ONCE/MONTH	GRAB
SOLIDS, TOTAL SUSPENDED 00930 1 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		*****	6.4	6.4		0	7/25	
	PERMIT REQUIREMENT	*****	*****	****	REPORT 30DA AVG	50.00000 DAILY MX	MG/L		ONCE/MONTH	GRAB	
HYDROCARBONS, IN. HCB, CB, CQ14 EXT. CHROMAT 00501 1 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		*****	<.05 ND	<.05 ND		0	7/25	
	PERMIT REQUIREMENT	*****	*****	****	REPORT 30DA AVG	15.00000 DAILY MX	MG/L		ONCE/MONTH	GRAB	
AMMONIUM, TOTAL (AS NH) 00604 1 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		*****	NO DI	NO DI		0	7/25	
	PERMIT REQUIREMENT	*****	*****	****	REPORT AVERAGE	500.00000 INST MX	MG/L		ONCE/MONTH	GRAB	
COPPER, TOTAL (AS CU) 00742 1 0 EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		*****	NO DI	NO DI		0	7/25	
	PERMIT REQUIREMENT	*****	*****	****	REPORT AVERAGE	1000.00000 INST MX	UG/L		ONCE/MONTH	GRAB	
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER KENT TAYLOR PLANT MGR	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)				SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT 		TELEPHONE 201 5943709		DATE 9/1/82		
TYPED OR PRINTED					AREA CODE		NUMBER		YEAR MO DAY		

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

MONITORING OF FOR CO, CR, AND CU ARE NOT REQUIRED UNLESS A CORROSION INHIBITOR CONTAINING THESE METALS IS USED FOR WATER TREATMENT PURPOSES. IF THESE METALS ARE NOT USED THE LETTERS "N/A" MUST BE INSERTED IN THE APPROPRIATE DATA CELLS.

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if different)
NAME PLANT MGR
ADDRESS 400 BOWEN AVENUE
SEABOARD, NC 27576
FACILITY
LOCATION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)
(2-16) (17-19)

1100-370-
PERMIT NUMBER

4012
DISCHARGE NUMBER

8428910695

MONITORING PERIOD						
YEAR	MO	DAY	TO	YEAR	MO	DAY
91	07	01		91	07	31
(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

STORM AND COOLING WATER
WINDF
ESSEX
MCTPD REGION

NOTE: Read instructions before completing this form.

PARAMETER (32-37)		QUANTITY OR LOADING (46-53)			QUALITY OR CONCENTRATION (54-61)				NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
		AVERAGE (46-53)	MAXIMUM (54-61)	UNITS	MINIMUM (54-61)	AVERAGE (54-61)	MAXIMUM (54-61)	UNITS			
TEMPERATURE, WATER	SAMPLE MEASUREMENT	*****	*****		22	22	22		0	7/25	
DO, CONTINUOUS	PERMIT REQUIREMENT	*****	*****	****	REPORT MINIMUM	REPORT 30DA AVG	30.00000 DAILY MX	20.0 C		ONCE/MONTH	GRAB
DO, DO NOT CROSS VALUE											
OXYGEN DEMAND, CHEM. (HIGH LEVEL) (COD)	SAMPLE MEASUREMENT	*****	*****	****	*****	132	132		1	7/25	
DO, DO NOT CROSS VALUE	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT 30DA AVG	100.00000 DAILY MX	MG/L		ONCE/MONTH	GRAB
PH	SAMPLE MEASUREMENT	*****	*****		6.9	*****	6.9		0	7/25	
DO, DO NOT CROSS VALUE	PERMIT REQUIREMENT	*****	*****	****	5.00000 MINIMUM	*****	9.00000 MAXIMUM	5.0		ONCE/MONTH	GRAB
OLISS, TOTAL SUSPENDED	SAMPLE MEASUREMENT	*****	*****		*****	12	12		0	7/25	
DO, DO NOT CROSS VALUE	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT 30DA AVG	50.00000 DAILY MX	MG/L		ONCE/MONTH	GRAB
HYDROCARBONS, IN HEX, EX, CQ14 EXT. CHEMIST	SAMPLE MEASUREMENT	*****	*****		*****	4.05 ND	4.05 ND		0	7/25	
DO, DO NOT CROSS VALUE	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT 30DA AVG	15.00000 DAILY MX	MG/L		ONCE/MONTH	GRAB
IRON, TOTAL (A, CR)	SAMPLE MEASUREMENT	*****	*****		*****	NO DI	NO DI		0		
DO, DO NOT CROSS VALUE	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT AVERAGE	500.00000 INST MX	MG/L		ONCE/MONTH	GRAB
COPPER, TOTAL (A, CR)	SAMPLE MEASUREMENT	*****	*****		*****	NO DI	NO DI		0		
DO, DO NOT CROSS VALUE	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT AVERAGE	1000.00000 INST MX	MG/L		ONCE/MONTH	GRAB
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)					TELEPHONE		DATE		
KENT TAYLOR											
PLANT MGR		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT					201 5893768		9/ 8 26		
TYPED OR PRINTED											

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

THERE WAS NO EVIDENCE OR SUSPICION OF CONTAMINATION DURING SAMPLING. COD VALUES HAVE ALWAYS BEEN IN COMPLIANCE. THIS ANOMOLY IS NOT EXPECTED TO RECUR

MITTEE NAME/ADDRESS
Name/Location if different
E REICHHOLD CHEMICALS INC
RESS COATING POLYMERS & RESINS DIV
400 DOREMUS AVENUE
NEWARK, NJ 07105
LITY
ATION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)
(2-16) (17-19)

NJ0063738
PERMIT NUMBER
001A
DISCHARGE NUMBER

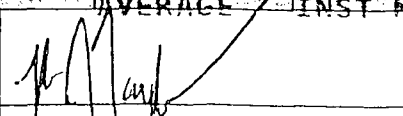
8428910696

MONITORING PERIOD							
FROM	YEAR	MO	DAY	TO	YEAR	MO	DAY
	91	08	01		91	08	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

STORM AND COOLING WATER
MINOR ESSEX
METRO REGION

NOTE: Read instructions before completing this form.

2 NUMBER: 91070779

PARAMETER (32-37)		(3 Card Only) (46-53)	QUANTITY OR LOADING (54-61)	(4 Card Only) (38-45)	QUALITY OR CONCENTRATION (46-53)	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)	
TEMPERATURE, WATER 5. CENTIGRADE 010 1 0	SAMPLE MEASUREMENT	*****	*****		20	20	20	0 8/9		
ELUENT GROSS VALUE	PERMIT REQUIREMENT	*****	*****	*****	REPORT MINIMUM	REPORT 30DA AVG	30.00000 DAILY MX	ONCE/MONTH	GRAB	
OXYGEN DEMAND, CHEM. HIGH LEVEL) (COD) 340 1 0	SAMPLE MEASUREMENT	*****	*****		47	47		0 8/9		
ELUENT GROSS VALUE	PERMIT REQUIREMENT	*****	*****	*****	REPORT 30DA AVG	REPORT DAILY MX	100.00000 MG/L	ONCE/MONTH	GRAB	
	SAMPLE MEASUREMENT	*****	*****		6.85	6.85		0 8/9		
ELUENT GROSS VALUE	PERMIT REQUIREMENT	*****	*****	*****	6.00000 MINIMUM	9.00000 MAXIMUM	SU	ONCE/MONTH	GRAB	
IDS, TOTAL SPENDED 530 1 0	SAMPLE MEASUREMENT	*****	*****		12	12		0 8/9		
ELUENT GROSS VALUE	PERMIT REQUIREMENT	*****	*****	*****	REPORT 30DA AVG	REPORT DAILY MX	50.00000 MG/L	ONCE/MONTH	GRAB	
OROCARBONS, IN H2O, CC14 EXT. CHROMAT 551 1 0	SAMPLE MEASUREMENT	*****	*****		.29	.29		0 8/9		
ELUENT GROSS VALUE	PERMIT REQUIREMENT	*****	*****	*****	REPORT 30DA AVG	REPORT DAILY MX	15.00000 MG/L	ONCE/MONTH	GRAB-3	
OMIUM, TOTAL (AS CR) 034 1 0	SAMPLE MEASUREMENT	*****	*****		NO DI	NO DI		0		
ELUENT GROSS VALUE	PERMIT REQUIREMENT	*****	*****	*****	REPORT AVERAGE	REPORT INST MX	500.00000 UG/L	ONCE/MONTH	GRAB	
PER, TOTAL (AS CU) 042 1 0	SAMPLE MEASUREMENT	*****	*****		NO DI	NO DI		0		
ELUENT GROSS VALUE	PERMIT REQUIREMENT	*****	*****	*****	REPORT AVERAGE	REPORT INST MX	1000.00000 UG/L	ONCE/MONTH	GRAB	
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN, AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION, I BELIEVE THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 3 years.)							TELEPHONE	DATE	
ENT TAYLOR								201/589 3709	9/ 9 17	
PLANT MGR								AREA CODE	NUMBER	
TYPED OR PRINTED	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT							YEAR	MO	DAY

MENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

16 - ECR A

REICHHOLD

January 21, 1992

N.J. D.E.P.E.
Wastewater Facilities Regulation Element
Bureau of Information Systems
CN 029
Trenton, NJ 08625-0029

Dear Sirs:

This letter is to provide information as to what we believe is the cause for non-compliance with Chemical Oxygen Demand (COD) limits, for the month of December 1991.

The facility is currently undergoing an E.C.R.A. clean up involving the excavation and treatment of soils from many areas on-site. Contaminated soils from excavated areas are being tracked into stormwater collection areas by large truck tires and excavation equipment. In addition, water from areas where asphalt was removed has been observed to migrate into paved areas during heavier rain events. The clean up contractor attempted to clean paved areas using street sweeping equipment, but this was not effective.

The E.C.R.A. clean up is State mandated. Distribution of excavated soil into stormwater collection areas is unavoidable. Accordingly, Reichhold believes neither it or those entities involved in the clean up should be held liable.

Please contact me if you have any questions regarding this matter.

Very truly yours,

Robert Naujelis
Robert Naujelis
Environmental Engineer

RN/glm
cc: P. Spellman, Canonie, Inc.
✓ K. Taylor, Reichhold
U.S.E.P.A.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

OAL DKT. NO.: EW 07638-92 N

AGENCY DKT. NO. NJ0063738

REICHHOLD CHEMICALS, INCORPORATED

Petitioner,

v.

MOTION FOR ADMISSION PRO HAC VICE

NJDEPE/DFWE

Respondent.

I, _____, an attorney in good standing of the State of New Jersey and authorized to practice in this State hereby move before the Office of Administrative Law in accordance with N.J.A.C. 1:1-5.2 to permit the appearance of _____, a member of the bar of _____ to appear pro hac vice in the above-captioned matter. An affidavit is attached and is relied upon in support of this motion.

I hereby certify that copies of this motion and the attached affidavit have been served upon all parties in the above-captioned matter.

DATE

(New Jersey Attorney)

ADDRESS:



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

OAL DKT. NO.: _____

AGENCY DKT. NO. _____

Petitioner,

v.

**AFFIDAVIT IN SUPPORT OF MOTION
TO APPEAR PRO HAC VICE**

Respondent.

I, _____, duly sworn according to law,
depose and say:

1. I, am an attorney in good standing admitted to practice in the _____
_____, (name of highest court in state of admission) of
_____ (state of admission). I am not
admitted to practice in New Jersey or I am admitted to practice in New Jersey but I do not
maintain in this state a bona fide office for the practice of law.

2. I am associated in this matter with New Jersey counsel of record _____
_____, who is qualified to practice law in this state, pursuant to R.
1:21-1.

3. _____ (client's name) has requested my
representation in this matter.

4. There is good cause for my admission pro hac vice in that _____

5. I have paid to the Client's Security Fund and Ethics Financial Committee the fees required by R. 1:20-1(b) and 1:28-2.

6. If this application to appear pro hac vice is granted, I agree to:

- a) Abide by the Office of Administrative Law Rules and all applicable New Jersey Court Rules, including all disciplinary rules;
- b) Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against me or my firm that may arise out of my participation in this matter;
- c) Notify the Office of Administrative Law immediately of any matter affecting my standing my standing at the bar of any court; and
- d) Have all pleadings, briefs and other papers filed with the Office of Administrative Law signed by the attorney of record.

Sworn and subscribed to
before me this _____ day
of _____, 199__.

_____, Esq.

ADDRESS:



8428910701

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

OAL DKT. NO.: _____

AGENCY DKT. NO. _____

Petitioner,

v.

ORDER

Respondent.

BEFORE _____, ALJ:

_____, an attorney of the state of New Jersey moved under N.J.A.C. 1:1-5.2 to permit the appearance pro hac vice of _____, an attorney of the state of _____, in the above-captioned matter. The affidavit of _____ indicates that he/she satisfies each of the conditions for admission, including good cause, set forth in R. 1:21(a), and that payment has been made to the Client's Security Fund and Ethics Financial Committee. Therefore, I ORDER that the motion seeking the admission of _____, to practice before the Office of Administrative Law pro hac vice in the above-captioned matter is hereby granted provided that _____ shall:

1. Abide by the Office of Administrative Law Rules and all applicable New Jersey Court Rules, including all disciplinary rules;
2. Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against him/her or his/her firm that may arise out of participation in this matter;
3. Notify the Office of Administrative Law immediately of any matter affecting his/her standing at the bar of any court; and
4. Have all pleadings, briefs and other papers filed with the Office of Administrative Law signed by an attorney of record authorized to practice in this State, who shall be held responsible for them and for the conduct of this cause and of the admitted attorney therein.

DATE _____

_____, ALJ

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

March 5, 1992

N.J. DEPE
Metro Bureau Regional Office
2 Babcock Place
West Orange, NJ 07052-5504

RE: Violation of Effluent Limits or Parameter Reporting
Requirements of NJPDES Permit on Discharge Monitoring Report.
NJPDES Permit No.: NJ0063738

Dear Mr. Colino:

Enclosed is a copy of the letter of explanation which accompanied the December 1991 Discharge Monitoring Report for the above referenced facility.

As described in the letter, a former owner of the site is conducting a State mandated E.C.R.A. clean up involving the remediation of soils from many areas of the facility. Soil is being excavated and transported to a mobile incinerator at the east end of the property. After treatment to remove organic materials, the cleaned soil is placed back in the excavation.


In the process of excavation, and transportation, contaminated soils were tracked, and deposited throughout the site. Reichhold requested that the soil be cleaned on several occasions, but the sweeping equipment was inadequate and not used often enough.

Per previous discussions, you are aware that Reichhold is forced to obtain samples from storm drains since the outfalls are located below tide levels. It has been impossible to obtain samples free of soil.

Reichhold was not responsible for the deposition of contaminated soils, nor does it have the authority to alter the DEPE approved E.C.R.A. work plan for the site. Reichhold expects conditions to improve dramatically on completion of the E.C.R.A. project.

Until this occurs we request that no further action be taken regarding D.M.R. non-compliance.

Sincerely,


Robert Naujels
Environmental Engineer

cc: K. Taylor
(201) 589-3709
(201) 817-9173 (Facsimile)

8428910702

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Water Resources
Management Services Element
Bureau of Information Systems
CN 029
TRENTON, NEW JERSEY 08625

FEB 26 1992

*Rec'd
2/28/92
R.N.*

REICHHOLD CHEMICALS INC
COATING POLYMERS & RESINS DIV
400 DOREMUS AVENUE
NEWARK NJ 07105

RE: Violation of Effluent Limits or Parameter Reporting
Requirements of NJPDES Permit on Discharge Monitoring Report.
NJPDES Permit No: NJ0063738

Dear Permittee:

The 'Water Pollution Control Act' (hereinafter 'The Act'), N.J.S.A. 58:10A-1 et seq. prohibits the discharge of pollutants, except in conformity with a valid New Jersey Pollutant Discharge Elimination System (hereinafter 'NJPDES') permit pursuant to N.J.A.C. 7:14A-1 et seq.. The Department has issued this facility a permit in accordance with the Act. Your facility was provided an opportunity to comment on the draft permit in accordance with N.J.A.C. 7:14A-8.1. Your facility has been on notice of the requirements of the permit since the final permit was issued.

The Department has determined that your facility is in violation of the 'Water Pollution Control Act' and the implementing regulations (N.J.A.C. 7:14A-1 et seq.) by failing to comply with the following permit condition:

Your Discharge Monitoring Report (DMR) for the period ending 91/12/31 indicated that you are not complying with certain effluent limitations or parameter reporting requirements specified in your permit (see enclosure).

According to the conditions of your permit, it is required that you provide the State and the Regional Administrator with a report concerning any apparent non-compliance, action taken to correct it, and action to be taken to prevent continuation or recurrence of the situation.

8428910703

Please note that if you are required to monitor and report the parameters Copper, Chromium, or Zinc only if these pollutants are used in water treatment, you must submit your DMR with Code = 'NODI' in the appropriate sample measurement block(s) if these pollutants are not being used. Code 'NODI' will assure that violation notices are not produced for failure to report.

In accordance with N.J.S.A. 58:10A-10.d. and the NJPDES Regulations, specifically N.J.A.C. 7:14-8.5 and 8.9, failure to comply with the NJPDES Permit effluent limits or to submit complete DMR's, respectively, subjects this facility to civil administrative penalties of up to \$50,000 per day per violation, including MANDATORY civil administrative penalties effective July 1, 1991 pursuant to amendments to the Act for Serious Violations, for Significant Non-Compliance Violations, and for failure to submit effluent parameter information within 10 days of receipt of this letter.

Please note that nothing shall preclude the Department from assessing penalties if the missing DMR effluent parameter information was not inadvertently omitted or if the Department was not notified within 30 days of the DMR due date of the existence of extenuating circumstances beyond the control of the permittee.

Furthermore, N.J.S.A. 58:10A-10.f. provides that any person who negligently violates the Act shall, upon conviction, be guilty of a crime of the fourth degree, and shall be subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment, or by both. Any person who purposely, knowingly, or recklessly violates the Act shall, upon conviction, be guilty of a crime of the third degree as a minimum and shall be subject to a fine of not less than \$5,000 nor more than \$75,000 (\$250,000 if the violation causes a significant adverse environmental effect) per day of violation, or by imprisonment, or by both.

If there is a discrepancy between the DMR information you submitted and the violations listed in the enclosure or you have not already submitted the required non-compliance report, please submit the information to me immediately at the address below.

Very truly yours,

Peter T. Lynch, Chief

Metro Bureau of Regional Enforcement
2 Babcock Place
West Orange, NJ 07052-5504

Enclosure

8428910704

NJDES Number: NJ0063738

Facility Name: REICHOLD CHEMICALS INC

Monitoring Period End Date: 91/12/31 Pipe Num: 001A Mon. Loc.: 1

Parameter: 00340 Description: OXYGEN DEMAND, CHEM. (HIGH LEVEL) (COD)

VIOLATION: E90 NUMERIC VIOLATION

Quantity		Concentration	
Average	Maximum	Average	Maximum

MEASUREMENT:		1690.0000	1690.0000

Monitoring Period End Date: 91/12/31 Pipe Num: 002A Mon. Loc.: 1

Parameter: 00340 Description: OXYGEN DEMAND, CHEM. (HIGH LEVEL) (COD)

VIOLATION: E90 NUMERIC VIOLATION

Quantity		Concentration	
Average	Maximum	Average	Maximum

MEASUREMENT:		212.0000	212.0000

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

January 21, 1992

N.J. D.E.P.E.
Wastewater Facilities Regulation Element
Bureau of Information Systems
CN 029
Trenton, NJ 08625-0029

Dear Sirs:


This letter is to provide information as to what we believe is the cause for non-compliance with Chemical Oxygen Demand (COD) limits, for the month of December 1991.

The facility is currently undergoing an E.C.R.A. clean up involving the excavation and treatment of soils from many areas on-site. Contaminated soils from excavated areas are being tracked into stormwater collection areas by large truck tires and excavation equipment. In addition, water from areas where asphalt was removed has been observed to migrate into paved areas during heavier rain events. The clean up contractor attempted to clean paved areas using street sweeping equipment, but this was not effective.

The E.C.R.A. clean up is State mandated. Distribution of excavated soil into stormwater collection areas is unavoidable. Accordingly, Reichhold believes neither it or those entities involved in the clean up should be held liable.

Please contact me if you have any questions regarding this matter.

Very truly yours,


Robert Naujalis
Environmental Engineer

RN/glm

cc: P. Spellman, Canonie, Inc.
K. Taylor, Reichhold
U.S.E.P.A.

Form Approved.
OMB No. 2040-0004.
Approval expires 6-30-91.

STOP AND COOLING AGILE
MARCH 1955
MARCH 1955

NOTE: Read instructions before completing this form.

MONITORING PERIOD						
FROM			TO			
YEAR	MO	DAY	YEAR	MO	DAY	
71	12	01	71	12	01	
(20-21)	(22-23)	(24-25)	(26-27)	(28-29)	(30-31)	

PARAMETER (32-37)	X	(3 Card Only) QUANTITY OR LOADING (46-53)			QUALITY OR CONCENTRATION (38-45) (46-53) (54-61)				NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
APPEARANCE, WATER	SAMPLE MEASUREMENT	*****	*****		7	7	7		0	12/4	
1010 1 0	PERMIT REQUIREMENT	*****	*****	****	REPORT	REPORT	50.00000	SEC. C		ONCE/	GRAB
EFFLUENT GROSS VALUE				****	MINIMUM	500A AVG	DAILY MX			MONTH	
HYDROCARBONS, CHLOR.	SAMPLE MEASUREMENT	*****	*****		*****	212	212		1	12/4	
(HIGH LEVEL) (COD)	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT	100.00000	MG/L		ONCE/	GRAB
1040 1 0				****	*****	500A AVG	DAILY MX			MONTH	
EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		6.6	*****	6.6		0	12/4	
1400 1 0	PERMIT REQUIREMENT	*****	*****	****	*****	*****	7.00000	SU		ONCE/	GRAB
EFFLUENT GROSS VALUE				****	MINIMUM	*****	MAXIMUM			MONTH	
ALIBS, TOTAL	SAMPLE MEASUREMENT	*****	*****		*****	46	46		0	12/4	
1030 1 0	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT	50.00000	MG/L		ONCE/	GRAB
EFFLUENT GROSS VALUE				****	*****	500A AVG	DAILY MX			MONTH	
HYDROCARBONS, IN. HCB,	SAMPLE MEASUREMENT	*****	*****		*****	3.8	3.8		0	12/4	
2,0014 EXT. CHROMAT	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT	10.00000	MG/L		ONCE/	GRAB
0551 1 0				****	*****	500A AVG	DAILY MX			MONTH	
EFFLUENT GROSS VALUE	SAMPLE MEASUREMENT	*****	*****		*****	NO DI	NO DI		0	12/4	
ARSENIC, TOTAL	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT	500.00000	MG/L		ONCE/	GRAB
(AS CR)				****	*****	AVERAGE	INST MX			MONTH	
1034 1 0	SAMPLE MEASUREMENT	*****	*****		*****	NO DI	NO DI		0	12/4	
EFFLUENT GROSS VALUE	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT	1000.00000	UG/L		ONCE/	GRAB
COPPER, TOTAL				****	*****	AVERAGE	INST MX			MONTH	
(AS CU)	SAMPLE MEASUREMENT	*****	*****		*****	NO DI	NO DI		0	12/4	
1040 1 0	PERMIT REQUIREMENT	*****	*****	****	*****	REPORT	1000.00000	UG/L		ONCE/	GRAB
EFFLUENT GROSS VALUE				****	*****	AVERAGE	INST MX			MONTH	
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED HEREIN AND BASED ON MY INQUIRY OF THOSE INDIVIDUALS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION I BELIEVE THE SUBMITTED INFORMATION IS TRUE ACCURATE AND COMPLETE I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT SEE 18 USC § 1001 AND 33 USC § 1319 (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)				SIGNATURE OF PRINCIPAL EXECUTIVE		TELEPHONE		DATE	
KENT TAYLOR						[Signature]		201 589-3709		92 / 1 / 20	
PLANT MANAGER						OFFICER OR AUTHORIZED AGENT		AREA CODE NUMBER		YEAR MO DAY	
TYPED OR PRINTED											

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
 021000Z JAN 85
 FOR WATER TREATMENT PURPOSES. IF THESE METALS ARE NOT USED THE LABELS "NO LIP" MUST BE INSERTED IN THE APPROPRIATE DATA CELLS.

8428910708

Reichhold Chemicals, Inc.

Corporate Headquarters

P.O. Box 13582

Research Triangle Park, NC 27709-3582

June 18, 1992

REICHHOLD

Mr. Robert Santaloci, Esq.
Office of Legal Affairs
CN402
Trenton, New Jersey 08626

RE: Administrative Order and
Notice of Civil Administrative Penalty Assessment
Reichhold Chemicals, Inc.
NJPDES No. NJ0063738
Newark/Essex County

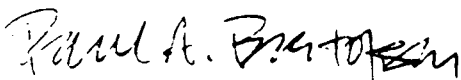
Dear Mr. Santaloci:

Reichhold Chemicals, Inc. requests a hearing in the matter of the Administrative Order and Notice of Civil Penalty Assessment dated May 27, 1992.

Attached you will find an Administrative Hearing Request Checklist and Tracking Form for Enforcement Documents, a copy of our fully funded-trust agreement, and supporting information. This letter also confirms your agreement that facsimile of these documents to your office is an acceptable form of submission.

If you have any questions regarding these materials, please call me at (919) 990-7836.

Sincerely,



Paul A. Brustofski
Regional Environmental Engineer

cc: P.T. Lynch
R. Naujelis

- NJDEPE West Orange, NJ
- RCI/Newark, NJ

**Administrative Hearing Request Checklist
and Tracking Form for Enforcement Documents**

I. Enforcement Document Being Appealed:

Administrative Order and Notice of Civil Administrative Penalty Assessment
Title of Enforcement Document

May 27, 1992
Issuance Date of Enforcement Document

NA
Document Number (if any)

II. Person Requesting Hearing:

Mr. Robert Naujelis
Name
Reichhold Chemicals, Inc.
400 Doremus Avenue
Newark, New Jersey 07105
Address

Mr. Dan Uyesta
Name of Attorney, if applicable
Reichhold Chemicals, Inc.
P.O. Box 13582
Research Triangle Park, NC 27
Address of Attorney

III. Please Include the Following Information as Part of Your Request:

- A. The date the alleged violator received the enforcement document being contested;
- B. A copy of the Enforcement Document and a list of all issues being appealed;
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachments, to:
 1. Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Request
Department of Environmental Protection and Energy
CN 402 Trenton, New Jersey 08625-0402
 2. Peter T. Lynch, Chief, Metro Bureau,
2 Babcock Place, West Orange, NJ 07052 - (With Attachments)
 3. All co-permittees (w/attachments)

IV. Signature:

Robert Naujelis

Date:

6/16/92

8428910710

A. Reichhold Chemicals ("Reichhold") received the enforcement document being contested on May 28, 1992.

B. A copy of the enforcement document is enclosed.

Reichhold appeals the assessment of a Civil Administrative Penalty in this case, and contests the issuance of the Administrative Order.

C. Reichhold admits findings 1-7 of the Administrative Order and Notice of Civil Administrative Penalty Assessment ("Notice"). Reichhold is without sufficient information to admit or deny Finding 8 except to the extent that it indicates that the violations in question were not caused by an upset. Reichhold denies finding 9 of the Notice.

D. The defense to finding 9 of the Notice is based on the affirmative defenses listed below:

(i) N.J.S.A. 58:10A-3z defines "upset" as "an exceptional incident in which there is an unintentional and temporary noncompliance with an effluent limitation because of an event beyond the reasonable control of the permittee . . ."

The two permit excursions cited in the Notice are attributable to ECRA Cleanup activities conducted by a previous site owner, which Reichhold believes were out of its reasonable control. Since ECRA activities were under the control and supervision of third party contractors hired by a previous site owner, Reichhold had very little control over its discharge during this period.

ECRA field activities were commenced in December 1991 and completed around March 1992. The subject sampling event occurred in December 1991. During this period, remediation contractors involved in the ECRA Cleanup were engaged in various activities which contributed to high COD levels in the stormwater discharge. Specifically, contaminated soils were excavated, loaded onto dumptrucks, and transported to an on-site thermal treatment unit where they were processed to destroy organic contaminants.

The intensive excavation during this period exposed contaminated soils to rainwater. Due to heavy truck traffic, soils were also tracked onto paved surfaces of the plant. Both of these conditions contributed to a substantial increase in sediment present in the stormwater runoff. Since COD levels can be influenced by contaminated sediments, Reichhold believes that ECRA activities were the direct cause of both excursions mentioned in the Notice. This conclusion is supported by the fact that stormwater samples taken during the brief ECRA-related fieldwork showed COD levels far in excess of any previous sampling event. Reichhold's plant operations during this

period were routine.

Reichhold notified NJDEPE of the excursions in a January 21, 1992 letter accompanying its December Discharge Monitoring Report. A follow-up letter was mailed to NJDEPE on March 5, 1992.

(ii) N.J.S.A. 58:10A-10.2 recognizes the affirmative defense of a testing error. Reichhold asserts that the permit excursions in the Notice were caused, at least in part, by procedural deficiencies in sampling or other similar circumstances beyond the control of the permittee. Sampling at this facility is procedurally difficult because the stormwater outfall is below the level of the Newark Bay. Since a sample cannot be collected at the outfall pipe leading to the Bay, Reichhold is forced to collect stormwater samples from puddles around each storm drain. This sampling methodology is not considered to be representative of the actual outfall into the Newark Bay, since a disproportionate amount of sediments are collected in the sampling vile. Reichhold has petitioned NJDEPE on previous occasions to relax COD restrictions in order to account for this anomalous sampling procedure.

E. Information supporting the request is attached; additional information will be provided upon request.

F. The hearing is expected to last one day.

G. A barrier-free hearing location for physically disabled persons is not necessary.

H. Reichhold is willing to negotiate a settlement with the NJDEPE prior to the NJDEPE processing the hearing request to the Office of Administrative Law.

Reichhold reserves the right to amend and supplement this document as additional facts become available.

Reichhold Chemicals, Inc.

Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

January 21, 1992

N.J. D.E.P.E.
Wastewater Facilities Regulation Element
Bureau of Information Systems
CN 029
Trenton, NJ 08625-0029

Dear Sirs:

This letter is to provide information as to what we believe is the cause for non-compliance with Chemical Oxygen Demand (COD) limits, for the month of December 1991.

The facility is currently undergoing an E.C.R.A. clean up involving the excavation and treatment of soils from many areas on-site. Contaminated soils from excavated areas are being tracked into stormwater collection areas by large truck tires and excavation equipment. In addition, water from areas where asphalt was removed has been observed to migrate into paved areas during heavier rain events. The clean up contractor attempted to clean paved areas using street sweeping equipment, but this was not effective.

The E.C.R.A. clean up is State mandated. Distribution of excavated soil into stormwater collection areas is unavoidable. Accordingly, Reichhold believes neither it or those entities involved in the clean up should be held liable.

Please contact me if you have any questions regarding this matter.

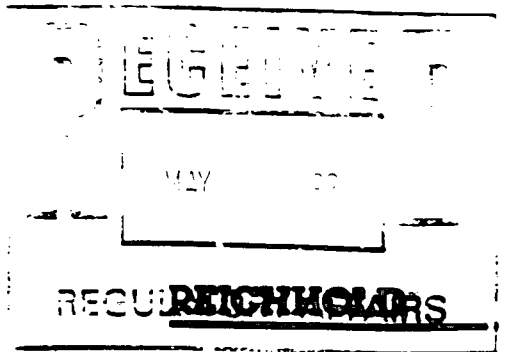
Very truly yours,


Robert Naujelis
Environmental Engineer

RN/glm
cc: P. Spellman, Canonie, Inc.
K. Taylor, Reichhold
U.S.E.P.A.

Reichhold Chemicals, Inc.

Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105



March 5, 1992

N.J. DEPE
Metro Bureau Regional Office
2 Babcock Place
West Orange, NJ 07052-5504

RE: Violation of Effluent Limits or Parameter Reporting
Requirements of NJPDES Permit on Discharge Monitoring Report.
NJPDES Permit No.: NJ0063738

Dear Mr. Colino:

Enclosed is a copy of the letter of explanation which accompanied the December 1991 Discharge Monitoring Report for the above referenced facility.

As described in the letter, a former owner of the site is conducting a State mandated E.C.R.A. clean up involving the remediation of soils from many areas of the facility. Soil is being excavated and transported to a mobile incinerator at the east end of the property. After treatment to remove organic materials, the cleaned soil is placed back in the excavation.

In the process of excavation, and transportation, contaminated soils were tracked, and deposited throughout the site. Reichhold requested that the soil be cleaned on several occasions, but the sweeping equipment was inadequate and not used often enough.

Per previous discussions, you are aware that Reichhold is forced to obtain samples from storm drains since the outfalls are located below tide levels. It has been impossible to obtain samples free of soil.

Reichhold was not responsible for the deposition of contaminated soils, nor does it have the authority to alter the DEPE approved E.C.R.A. work plan for the site. Reichhold expects conditions to improve dramatically on completion of the E.C.R.A. project.

Until this occurs we request that no further action be taken regarding D.M.R. non-compliance.

Sincerely,

Robert Naujels
Environmental Engineer

cc: K. Taylor
(201) 589-3709
(201) 817-9173 (Facsimile)

8428910714

Trust Agreement

RE: ADJUDICATORY HEARING REQUEST
NOTICE OF CIVIL ADMINISTRATIVE PENALTY
ASSESSMENT DATED May 27, 1992
NAME OF VIOLATOR Reichhold Chemicals, Inc.
ADDRESS OF FACILITY AT WHICH VIOLATION OC-
CURRED 400 Doremus Ave., Newark, NJ 07105

This Fully Funded Trust, hereinafter "Agreement", entered into as of June 17, 1992 by and between Reichhold Chemicals, Inc., 400 Doremus Ave., Newark, NJ 07105, a Delaware corporation, hereinafter "Grantor" and Wachovia Bank of North Carolina, P.O. Box 12196, Research Triangle Park, NC 27709, a National Bank, hereinafter "Trustee".

WHEREAS, the Grantor is required to provide financial assurance in an amount equal to the amount of the civil administrative penalty in the Notice of Civil Administrative Penalty Assessment dated May 27, 1992 as a precondition to requesting an adjudicatory hearing on the Notice of Civil Administrative Penalty Assessment pursuant to N.J.A.C. 7:14-8.4(a), and

WHEREAS, The Grantor, acting through its duly authorized officer or management official, has selected the Trustee under this Agreement, and the Trustee is willing to act as Trustee.

NOW, THEREFORE, the Grantor and the Trustee agree as follow:

Section 1. Definitions

As used in this Agreement:

(a) The term "Grantor" means the violator who is requesting an adjudicatory hearing on the Notice of Civil Administrative Penalty Assessment referenced above, and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into the Agreement and any successor Trustee.

Section 2. Identification of Site or Facility at which the Violations referenced in the Notice of Civil Administrative Penalty Assessment Occurred and Amount of Financial Assurance

This Agreement pertains to the site or facility at which the violations referenced in the Notice of Civil Administrative Penalty Assessment occurred and the full amount of the civil administrative penalty in the Notice of Civil Administrative Penalty Assessment dated May 27, 1992 which is included herein as Attachment A.

Section 3. Establishment of Fund

The Grantor and the Trustee hereby establish a trust fund, hereinafter the "Fund", for the benefit of NJDEP. The Grantor and the Trustee intend that no third party shall have access to the fund except as herein provided. The Fund is established initially as consisting of the total sum of \$40,000 which is acceptable to the Trustee and NJDEP. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the NJDEP.

Section 4. Payment for The Civil Administrative Penalty in the Notice of Civil Administrative Penalty Assessment dated May 27, 1992

The Trustee shall make payment from the Fund as the NJDEP Commissioner, or his designee, shall direct, in writing, to provide for the payment for the civil administrative penalty in the Notice of Civil Administrative Penalty Assessment dated May 27, 1992. In addition, the Trustee shall refund to the Grantor such amounts the NJDEP specifies in writing. Upon refund such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund

Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management

At such time as the corpus of the Fund is funded, the Trustee shall invest and reinvest principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustee shall discharge his duties with respect to the Fund solely in the interest of the NJDEP as the beneficiary and with the care, skill, prudence and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the site or facility at which the violations occurred or any of their affiliates, as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2(a), shall not be acquired or held, unless they are securities or other obligation of the Federal or a State government;

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and

(iii) The Trustee is authorized to hold cash awaiting investment of distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investing

The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee

Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expedience of any such sale or other disposition;

(b) To make, execute, acknowledge and deliver any and all document of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the Federal Government of the United States or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses

All taxes of any kind that may be assessed or levied against or in respect of the fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor and all other proper charges and disbursements of the Trustee, shall be paid from the Fund.

Section 10. Annual Valuation

The Trustee shall, annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the NJDEP a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the NJDEP shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel

The Trustee may, from time to time, consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation

The Trustee shall be entitled to reasonable compensation, from time to time, for its services, as agreed upon in writing with the Grantor.

Section 13. Successor Trustee

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer and pay over to the successor Trustee the funds and properties constituting the Fund. If

for any reason, the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor Trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in writing sent to the Grantor, the NJDEP and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Successor Grantor

Sixty days prior to the Grantor ceasing to exist, if dissolution is contemplated, the Grantor must notify and provide NJDEP with the names and addresses of any and all successors and assigns along with a notarized acknowledgement from same stating that the successors and assigns assume responsibilities concerning financial assurance.

Section 15. Instructions to the Trustee

All orders, requests and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in Attachment B or such other designees as the Grantor may designate by amendment to Attachment B or such other designees as the Grantor may designate by amendment to Attachment B. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests and instructions. All orders, requests and instructions by the NJDEP to the Trustee shall be in writing, signed by the NJDEP commissioner or his/her designee and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or NJDEP hereunder has occurred.

The Trustee shall have no duty to act in the absence of such orders, requests and instructions from the Grantor and/or NJDEP, except as provided for herein.

Section 16. Amendment of Agreement

This agreement may be amended by an instrument in writing executed jointly by the Grantor or the Grantor's principals, successors, and assigns if Grantor has dissolved, the Trustee and the NJDEP or by the Trustee and the NJDEP if the Grantor ceases to exist and no successors or assigns are named.

Section 17. Irrevocability and Termination

Subject to the right of the parties to amend this Agreement, as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee and the NJDEP or of the Trustee and the NJDEP, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust or in carrying out any directions by the Grantor or the NJDEP issued in accordance with the Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event that the Grantor fails to provide such defense.

Section 19. Choice of Law

This Agreement shall be administered, construed and enforced according to the laws of the State of New Jersey.

Section 20. Interpretation

As used in this Agreement, words in the singular include the plural and words in the plural include singular.

The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof, the parties have caused this Agreement to be executed by their respective officer or management officials, duly authorized, and their corporate seals to be hereunto affixed and attested, as of the date set forth below:

Reichhold Chemicals, Inc.

DATE: ~~May 27, 1992~~ ~~FAB~~
JUNE 17, 1992

BY: Charles A. Lorelli
TITLE: Secretary

Wachovia Bank of North Carolina

DATE: June 17, 1992

BY: J. Andrew Cole
TITLE: Vice-President

SIGNATURE GUARANTEED BY
WACHOVIA BANK OF NORTH CAROLINA, N.A.
RALEIGH, NC

By J. Andrew Cole
AUTHORIZED SIGNATURE
Title Vice-President

8428910720

CERTIFICATE OF ACKNOWLEDGEMENT
(Grantor & Trustee)

ADJUDICATORY HEARING REQUEST
NOTICE OF CIVIL ADMINISTRATIVE ASSESSMENT DATED MAY 27, 1992

NAME OF VIOLATOR Reichhold Chemicals, Inc.

ADDRESS OF VIOLATOR 400 Doremus Ave., Newark, NJ 07105

ADDRESS OF SITE OR FACILITY AT WHICH VIOLATION OCCURRED
400 Doremus Ave., Newark, NJ 07105

Amount of Financial Guarantee \$ 40,000

Type of Financial Assurance Posted Fully Funded Trust

State of New Jersey

County of Essex

On this May 27, 1992, before me personally came Charles A. Lorelli to me known, who, being by me duly sworn, did depose and say that he resides at 2400 Ellis Road, Durham, NC 27703, that he is Secretary of Reichhold Chemicals, Inc., the corporation described in and which executed the above instrument; that he know the seal of the corporation; that the seal affixed to such instruments is such corporate seal; that is so affixed by order of the Board of Directors of the corporation, and that he signed his name thereto by like other.

Joan G. Wencel

my commission expires 4/12/93

8428910721



**State of New Jersey
Department of Environmental Protection and Energy
Enforcement**

Scott A. Weiner
Commissioner

Edward M. Nease
Assistant Commissioner

IN THE MATTER OF	:	ADMINISTRATIVE ORDER AND
REICHOLD CHEMICALS,	:	NOTICE OF CIVIL ADMINISTRATIVE
INCORPORATED	:	PENALTY ASSESSMENT

This Administrative Order and Notice of Civil Administrative Penalty Assessment is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection and Energy (hereinafter "NJDEPE" or "Department") by N.J.S.A. 13:1D-1 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and duly delegated to the Assistant Director or Bureau Chief of the Division of Facility Wide Enforcement pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. Reichhold Chemicals, Incorporated, (hereinafter "Reichhold") owns and operates a facility located at Block 5070, Lot 11 at 400 Doremus Avenue, Newark, Essex County, New Jersey 07105.
2. The NJDEPE issued a New Jersey Pollutant Discharge Elimination System ("NJPDDES") Permit No. NJ0063738 (hereinafter "the Permit") to Spencer Kellogg on June 30, 1988. The effective date of the Permit was August 1, 1988 and the expiration date is July 31, 1993.
3. In a letter dated August 2, 1989, Reichhold petitioned the Department to transfer the permit from Spencer Kellogg to Reichhold to reflect the change in ownership of the site at 400 Doremus Avenue, Newark, New Jersey 07105.
4. Pursuant to the Permit, Reichhold discharges pollutants, as defined by N.J.A.C. 7:14A-1.9, into the waters of the State.

Please Respond To:

Tel. #

ADMINISTRATIVE ORDER
AND NOTICE OF CIVIL
ADMINISTRATIVE
PENALTY ASSESSMENT
PAGE 2 OF 5

5. No person shall discharge any pollutant except in conformity with a valid NJPDES Permit issued pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

6. Part III B/C of the Permit sets forth specific parameters to be reported on Discharge Monitoring Report forms (hereinafter "DMRs") and identifies discharge limitations for each parameter for each permitted outfall.

7. On April 28, 1992, a representative of NJDEPE conducted an inspection of the Reichhold facility and determined that Reichhold had monitored their discharge for the months of September 1991 through February 1992, and had submitted DMRs. The laboratory results demonstrate that Reichhold has violated the discharge limits of the Permit. Listed below are the dates and parameters which are serious violations pursuant to N.J.S.A. 58:10-3.V:

DMR NUMBER	MONIT. PERIOD END DATE	DSN NO.	PARAMETER	LOAD LIMIT CONC	LIMIT TYPE	UNITS	DATA	AFFIRMATIVE DEFENSE
91121045	12/31/91	001	COD	CONC	MAX	100.00 mg/l	1690.00	Reject
91121045	12/31/91	002	COD	CONC	MAX	100.00 mg/l	212.00	Reject

The following abbreviations were used in the table above: E90 for Effluent Violations; COD for Chemical Oxygen Demand; mg/l for milligrams per liter.

8. On January 21, 1992, the Department was notified by Reichhold that it was asserting an affirmative defense of an upset for the violations in the table above. The Department has reviewed this notification and is rejecting this defense because the provisions of N.J.S.A. 58:10A-10.2 b. were not satisfied and the indicated violations were not caused by an upset.

9. Based on the facts set forth in these FINDINGS, the Department has determined that Reichhold has violated the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., specifically N.J.S.A. 58:10A-6, and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1 et seq., specifically N.J.A.C. 7:14A-1.2.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

10. Reichhold shall discharge pollutants only in conformity with NJPDES Permit No. NJ0063738, the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1.1 et seq.

11. Reichhold shall submit monthly DMRs as required by Part III - B/C, Sec. 1.b of the Permit.

12. Obligations and penalties of this Administrative Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement

8428910723

of law and the protection of public health, safety, welfare and environment, and are not intended to constitute a debt or debts which may be limited or discharged in a bankruptcy proceeding.

13. This Administrative Order shall be effective upon receipt.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

14. Pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8.1 et seq., and based upon the above FINDINGS, NJDEPE has determined that a civil administrative penalty should be assessed against Reichhold in the amount of \$40,000.00. NJDEPE's rationale for this Civil Administrative Penalty is set forth in Appendix A which is attached hereto and incorporated herein.

15. Payment of the penalty is due when a final order is issued by the Commissioner subsequent to a hearing if any, or when this Notice of Civil Administrative Penalty Assessment becomes a final order (see following paragraph). Payment shall be made by certified or cashier's check payable to "Treasurer, State of New Jersey" and shall be submitted with the white copy of Form DEP - 62A to:

Bureau of Revenue
New Jersey Department of Environmental Protection and Energy
CN 402
Trenton, New Jersey 08625

16. If no request for a hearing is received within twenty (20) calendar days from receipt of this Notice of Civil Administrative Penalty Assessment, it shall become a final order upon the twenty-first calendar day following its receipt by Reichhold, and the penalty shall be due and payable.

17. Notice is given that pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8.13, the Department may, in addition to any civil administrative penalty assessed, amend such penalty assessment to include a civil administrative penalty for the economic benefit (in dollars) which a violator has realized as a result of not complying, or by delaying compliance, with this Act.

NOTICE OF RIGHT TO A HEARING

18. Reichhold is entitled to an administrative hearing. Any hearing request must include the information specified in Paragraph 19 below and shall be delivered to Richard J. McManus, Director, Office of Legal Affairs, CN-402, Trenton, New Jersey 08625 within twenty (20) calendar days from receipt of this Administrative Order and Notice of Civil Administrative Penalty Assessment. A copy of the completed, signed, and dated Administrative Hearing Checklist and Tracking Form and a copy of the complete hearing request shall be filed at the same time with Peter T. Lynch, P.E., Chief, Metro Bureau of Water and Hazardous Waste Enforcement, 2 Babcock Place, West Orange, New Jersey 07052.

19. Reichhold shall, pursuant to N.J.A.C. 7:14-8.4(a), in its request for a

ADMINISTRATIVE ORDER
AND NOTICE OF CIVIL
ADMINISTRATIVE
PENALTY ASSESSMENT
PAGE 4 OF 5

hearing, furnish NJDEPE with all of the information specified in the enclosed Administrative Hearing Request Checklist and Tracking Form.

20. If Reichhold intends to appeal the penalty assessed in this Administrative Order and Notice of Civil Administrative Penalty Assessment, Reichhold must, in accordance with N.J.A.C. 7:14-8.4(a), submit to the Department financial assurance in the amount of \$40,000.00 in the form of a surety bond guaranteeing payment, an irrevocable letter of credit or a fully funded trust, worded identical to the wording specified in N.J.A.C. 7:14-8 Appendix D and a certification of acknowledgement worded identical to the wording specified in N.J.A.C. 7:14-8 Appendix D.

GENERAL PROVISIONS

21. This Administrative Order and Notice of Civil Administrative Penalty Assessment is binding on Reichhold, its principals, directors, officers, agents, successors, assigns, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.

22. Reichhold shall submit copies of all documents required by this Administrative Order and Notice of Civil Administrative Penalty Assessment by certified mail, return receipt requested or by hand delivery to:

Peter T. Lynch, Chief
Metro Bureau of Water and Hazardous Waste Enforcement
NJDEPE-Division of Facility Wide Enforcement
2 Babcock Place
West Orange, New Jersey 07052

Penalty payments shall be made in the same manner to the address in paragraph 15 above.

23. Notice is given that this Administrative Order and Notice of Civil Administrative Penalty Assessment is issued only for the violations identified in the Findings hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted without further notice. By issuing this Administrative Order and Notice of Civil Administrative Penalty Assessment the Department does not waive its rights to initiate additional enforcement actions.

24. Notice is given that pursuant to N.J.S.A. 58:10A-10d, NJDEPE is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate and distinct offense.

25. Notice is further given that pursuant to N.J.S.A. 58:10A-10e, any person who violates N.J.S.A. 58:10A-1 et seq., or an administrative order issued pursuant to N.J.S.A. 58:10A-10b, or who fails to pay the civil administrative penalty in full after it is due or who fails to make payment pursuant to a payment schedule entered into with the Department shall be subject to a civil penalty not to exceed \$50,000 per day of such violation, and each day's continuance of the violation shall constitute an additional, separate and distinct violation.

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ADMINISTRATIVE ORDER
AND NOTICE OF CIVIL
ADMINISTRATIVE
PENALTY ASSESSMENT
PAGE 5 OF 5

26. Notice is further given that pursuant to N.J.S.A. 58:10A-10f, any person who purposely, knowingly, or recklessly violates N.J.S.A. 58:10A-1 et seq., including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a monitoring report, or any portion thereof, required pursuant to this act, shall, upon conviction, be guilty of a crime of the third degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or by both. Any person who negligently violates N.J.S.A. 58:10A-1 et seq., including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a discharge monitoring report, or any portion thereof, shall, upon conviction, be guilty of a crime of the fourth degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment, or by both.

DATE: May 27, 1992


PETER T. LYNCH, CHIEF
METRO BUREAU OF WATER AND
HAZARDOUS WASTE ENFORCEMENT

8428910726

APPENDIX A

Reichhold Chemicals, Incorporated
Newark/Essex County

PART A

Discharge of Effluent, AFTER July 1, 1991, in Excess of NJPDES Permit
Limitations: N.J.A.C. 7:14-8.5

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(g)1i, the seriousness factor is considered to be major for any discharge exceeding the effluent limitation set forth in a permit by more than 100 percent for a non-hazardous pollutant or by more than 50 percent for a hazardous pollutant. Since COD is a non-hazardous pollutant, and the permit effluent limitation has been exceeded by more than 100 percent, the seriousness factor is considered to be major.

CONDUCT: The Department does not currently have information in its possession that would support the firm conclusion that the violations are due to intentional, deliberate, purposeful, knowing, willing or foreseeable conduct on the part of the violator. Therefore the conduct is minor.

Pursuant to N.J.A.C. 7:14-8.5(f), the civil administrative penalty assessed for each violation is \$20,000.00.

Two (2) COD violations for December 1991.

<u>DMR</u> <u>NUMBER</u>	<u>MONIT.</u> <u>PERIOD</u> <u>END DATE</u>	<u>VIOL</u>	<u>DSN</u> <u>NO.</u>	<u>PARAMETER</u>	<u>LOAD LIMIT</u> <u>CONC TYPE</u>	<u>LIMIT</u>	<u>UNITS</u>	<u>DATA</u>
91121045	12/31/91	E90	001	COD	CONC MAX	100.00	mg/l	1690.00
91121045	12/31/91	E90	002	COD	CONC MAX	100.00	mg/l	212.00

The following abbreviations were used in the tables above: E90 for Effluent Violations; COD for Chemical Oxygen Demand.

PART A FORMULA: \$20,000 x 2 violations = \$40,000.00

TOTAL PENALTY DUE \$40,000.00

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ATTACHMENT B

**Mr. Daniel E. Uyesato
Assistant General Counsel
Reichhold Chemicals, Inc.
2400 Ellis Road
Durham, NC 27703
(919) 990-7874**

8428910728

Reichhold Chemicals, Inc.

Corporate Headquarters

P.O. Box 13582

Research Triangle Park, NC 27709-3582

November 2, 1992

REICHHOLD

Mr. Robert Colino
Metro Bureau of Water and Hazardous Waste Enforcement
NJDEPE - Division of Facility Wide Enforcement
2 Babcock Place
West Orange, NJ 07052

RE: Administrative Order and Notice of Civil Administrative Assessment
Reichhold Chemicals, Inc.
NJPDES NO. NJ0063738
Newark/Essex County

Dear Mr. Colino:

I appreciate you meeting with Louis Graham and I on October 26 to discuss possible settlement of Reichhold's storm water permit fines.

Below, I have provided answers to three questions raised during the meeting:

ECRA Case Manager: Mr. Sal Balakrishnan
BEECRA Cleanup Oversight Section
NJDEPE
401 East State Street
Trenton, NJ 08625
(609) 633-7141

Laboratory Data
Sheets (12/91): See Attachment A

Laboratory Testing
Methods: Townley Laboratories, Inc. confirmed that chloride levels are not routinely measured as part of the analytical procedure for testing COD.

As we discussed at the meeting, Reichhold believes the penalty assessed in this matter is inequitable for two main reasons:

1. Testing or Laboratory Error:

Under New Jersey law, N.J.S.A. 58:10A-10.2f, the affirmative defense of testing or laboratory error is recognized in the event of "unanticipated test interferences, sample contamination, analytical defects, or procedural deficiencies in sampling or other similar circumstances beyond the control of the permittee."

NJDEPE's Bureau of Industrial Discharge Permits has acknowledged the salt water interferences associated with measuring COD in our storm water outfall. During rains, salt water from Newark Bay backs up into our storm sewers. Samples collected from storm water drains, therefore, contain a high concentration of salts.

Reichhold believes that the concentration of salts were unusually high in December due to a flood which occurred on October 30 and 31, 1992. During this incident, the tide of the Newark Bay rose high enough to back up into our storm drains and flood portions of the plant with several feet of water.

In 1988, Textron requested a hearing to petition NJDEPE for relaxed COD limits. Reichhold purchased the plant in 1989, withdrew the request for hearing in 1990, and submitted a request to amend the permit by replacing the COD parameter with TOC, which NJDEPE's Bureau of Industrial Discharge told us is a more reliable indicator of organics because it eliminates interferences such as those described above. In July 1992, NJDEPE granted Reichhold's request to amend the permit (see Attachment B).

Townley Laboratories, who performs our storm water analysis, said chlorides in a storm water sample would show up as a precipitate or cloudiness when the digestive reagent is added to the sample aliquot. This is confirmed in the following excerpt from EPA's approved COD test method 410.4:

"4. Interferences

- 4.1 Chlorides are quantitatively oxidized by dichromate and represent a positive interference. Mercuric sulfate is added to the digestion tubes to complex the chlorides." (Attachment C)

Townley Laboratories told us that in order to perform the analysis of a storm water sample containing chlorides, they must dilute the sample, and as part of the dilution add mercuric sulfate per EPA's test method. However, Townley noted that this step does not entirely eliminate interferences, and that the reported COD figure is likely to overstate the actual chemical oxygen demand of the storm water sample.

Since Townley Laboratories does not routinely measure chlorides level or document the presence of a precipitate upon the addition of digestive reagent, they were unable to tell us how much chloride was present in the December samples.

In addition to the laboratory interferences described above, procedural deficiencies inherent in the sampling methodology are likely to have contributed to the testing error in this case. Since the storm water discharge pipe into Newark Bay is under water, Reichhold is forced to collect samples from puddles around each storm drain, and from storm water manholes. This condition causes three problems. First, samples collected from puddles contain sediments which contribute to COD values and also interfere with the measurement of TOC. Second, storm water samples collected from storm drains are contaminated with tidal water from the Newark Bay, which was measured by a neighboring industry to contain COD at background levels of 900 ppm. Third, storm water samples collected from storm drains are subject to infiltration from contaminated ground water. As part of Textron's ECRA site investigation, organic contaminants were identified at levels which exceed New Jersey's proposed cleanup standards. Ground water is currently being monitored as part of Textron's ECRA program.

2. Upset due to ECRA Activities:

Even if it is determined that there was no laboratory error, Reichhold believes that an operational upset occurred in the course of Textron's ECRA activities that caused the the high COD values reported in December.

Textron's excavation activities under ECRA reached their peak in December 1991. Reichhold raised concerns over the potential for Textron's excavation activities to impact the NPDES discharge (see Attachment D). Textron assured Reichhold that preventive measures would be taken, such as daily housekeeping and sweeping paved areas. Reichhold relied on these assurances and did its best to oversee the project, even though the control of the ECRA activities was primarily in the hands of Textron and NJDEPE.

Reichhold cannot attribute these unprecedented COD values to its own operations, since operations were routine for months prior to collecting the December sample. Evidently, there was an unanticipated failure in Textron's program to prevent storm water contamination. The violations in December 1991 were an isolated occurrence, evidenced by the low COD values before and after December's sampling round.

Recently, at the request of NJDEPE's Bureau of Industrial Discharge Permits, Reichhold has committed significant resources sampling toxic organics and organic carbon to support the recent modification to our permit. This data showed that storm

water concentrations have been maintained at low and predictable levels, with the exception of the December results. We believe our prior success in maintaining compliance with our permit was due in part to newly paved surfaces and containment berms installed since Reichhold purchased the plant in 1989.

Given the special circumstances in this case, Reichhold feels strongly that a monetary fine is neither necessary or appropriate.

Again, we appreciate the opportunity to have met with you on this matter. We look forward to your response in the interest of putting this matter behind us. If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,

Bob Naujelis
Site Manager

cc: L. Graham - RCI/RTP
D. Uyesato - RCI/RTP

8428910732



Jan. 2, 1992

Mr. Mike Baxi
 Reichhold Chemicals
 Plant #013
 400 Doremus Ave.
 Newark, NJ 07105

Gentlemen:

Herewith our findings for the analysis of two (2) samples of wet weather stormwater, sampled by your personnel and picked up by us on 12/5:

	Sample No: Source:	9447 # 1-5 Composite <u>001A</u>	9448 # 7-10 Composite <u>002A</u>	<u>LIMIT</u>
Sample Date: 12/3				
TSS, mg/l		27	46	50
COD, mg/l		1690	212	- -
Petr. HC, mg/l		1.1	3.8	15
Phenols, mg/l		<0.05 nd	0.65	- -
pH, su		6.57	6.60	6-9
TOC, mg/l		558	18	*
VO (GC/MS)		See Attached		- -
A/B/N/Pesticides (GC/MS)		See Attached		- -
PCB (GC)		<0.0025 nd	<0.0025 nd	- -

* TOC at request of Reichhold, not required by Permit

Note: nd = none detected

Very truly yours,

Sheila Durma

Sheila Durma
 Ass't Lab Manager

QC Check: *[Signature]*
 SD/df

Company Name <i>Reichhold</i>						No. of con- tainers	TESTS								Remarks		
Proj. No.	Project Name <i>stormwater effluent</i>						<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> TSS PH COD PHC Alkalinity TOC VOC ALAN PCB </div>										
Samplers: (Signature) <i>Mike Baxi</i>																	
Sta. No.	Date	Time	Comp.	Grab	Station Location												
001A	12/03/94	4:50		✓	#1-5 Composite 001A	11	✓	✓	✓	✓	✓	✓	✓	✓	✓		
002A	12/03/94	4:50		✓	#7-10 Composite 002A	11	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Relinquished by: (Signature) <i>[Signature]</i>			Date/Time 12/5/94 12:00		Received by: (Signature) <i>[Signature]</i>			Relinquished by: (Signature) <i>[Signature]</i>			Date/Time 12/4/94 3:20		Received by: (Signature) <i>[Signature]</i>				
Relinquished by: (Signature)			Date/Time		Received by: (Signature)			Relinquished by: (Signature)			Date/Time		Received by: (Signature)				
Relinquished by: (Signature)			Date/Time		Received for Laboratory by: (Signature)				Date/Time		Remarks						

Bridgeport Environmental
VOLATILE ORGANIC ANALYSIS DATA

JOB NUMBER _____
 SAMPLE NUMBER F7178
 CLIENT ID 9447
 DATA FILE 184394

MATRIX Water
 DILUTION FACTOR 1.00
 QA BATCH _____
 DATE ANALYZED 12/13/91

COMPOUND	UG/L	MOL	COMPOUND	UG/L	MOL
Acrylonitrile	ND	50	o-Xylene	7.7	5
Benzene	ND	5	Toluene	11	5
Bromodichloromethane	ND	5	1,1,1-Trichloroethane	ND	5
Bromoform	ND	5	1,1,2-Trichloroethane	ND	5
Carbon Tetrachloride	ND	5	Trichloroethane	ND	5
Chlorobenzene	ND	5	Vinyl Chloride	ND	5
Chloroform	ND	5	Acrolein	ND	50
Dibromochloromethane	ND	5	Chloroethane	ND	5
1,1-Dichloroethane	ND	5	2-Chloroethylvinylether	ND	10
1,2-Dichloroethane	ND	5	1,3-Dichloropropene	ND	5
1,1-Dichloroethene	ND	5	Bromomethane	ND	10
1,2-Dichloropropane	ND	5	Chloromethane	ND	10
Ethylbenzene	7.9	5	1,2-Dichloroethene(trans)	ND	5
Methylene Chloride	9.2	5	m-Dichlorobenzene	ND	5
1,1,2,2-Tetrachloroethane	ND	5	p-Dichlorobenzene	ND	5
Tetrachloroethene	ND	5	o-Dichlorobenzene	ND	5
m&p-Xylenes	22	5			

<u>SURROGATE COMPOUNDS</u>	<u>% RECOVERY</u>	<u>LIMITS</u>	<u>STATUS</u>
1,2-Dichloroethane-d4	107	76 - 114	OK
Toluene-d8	104	88 - 110	OK
Bromofluorobenzene	101	86 - 115	OK

(J) Indicates detected below MDL
 (B) Indicates also present in blank
 (ND) Indicates compound not detected

8428910735

Bridgeport Environmental
VOLATILE ORGANIC ANALYSIS DATA

JOB NUMBER
SAMPLE NUMBER F2129
CLIENT ID 9448
DATA FILE 84395

MATRIX Water
DILUTION FACTOR 1.00
QA BATCH
DATE ANALYZED 12/13/91

COMPOUND	UG/L	MDL	COMPOUND	UG/L	MDL
Acrylonitrile	ND	50	o-Xylene	13	5
Benzene	ND	5	Toluene	16	5
Bromodichloromethane	ND	5	1,1,1-Trichloroethane	ND	5
Bromoform	ND	5	1,1,2-Trichloroethane	ND	5
Carbon Tetrachloride	ND	5	Trichloroethene	ND	5
Chlorobenzene	ND	5	Vinyl Chloride	ND	5
Chloroform	ND	5	Acrolein	ND	50
Dibromochloromethane	ND	5	Chloroethane	ND	5
1,1-Dichloroethane	ND	5	2-Chloroethylvinylether	ND	10
1,2-Dichloroethane	ND	5	1,3-Dichloropropene	ND	5
1,1-Dichloroethene	ND	5	Bromomethane	ND	10
1,2-Dichloropropene	ND	5	Chloromethane	ND	10
Ethylbenzene	4.6 J	5	1,2-Dichloroethene(trans)	ND	5
Methylene Chloride	11	5	m-Dichlorobenzene	ND	5
1,1,2,2-Tetrachloroethane	ND	5	p-Dichlorobenzene	ND	5
Tetrachloroethene	ND	5	o-Dichlorobenzene	ND	5
m&p-Xylenes	31	5			

SURROGATE COMPOUNDS	% RECOVERY	LIMITS	STATUS
1,2-Dichloroethane-d4	109	76 - 114	OK
Toluene-d8	102	88 - 110	OK
Bromofluorobenzene	101	86 - 115	OK

(J) Indicates detected below MDL
(8) Indicates also present in blank
(ND) Indicates compound not detected

8428910736

SEMIVOLATILE ORGANICS DATA SHEET

BASE/NEUTRALS

USEPA METHOD 625

Sample No: 9447
Source: 001A

Matrix: Water

Level: Low
Spl Size: 1000 ml
Date Smpl: 12/3
Units: ug/l

Extraction: Sep. Funnel
% Solids: N/A
Date Extr: 12/9

pH: 7.50
Dil. Factor: 1.0
Date Anal: 12/11

COMPOUND	MDL	AMOUNT	COMPOUND	MDL	AMOUNT
Acenaphthene	2.5	U	1,4-Dichlorobenzene	1.2	U
Acenaphthylene	1.0	U	3,3'-Dichlorobenzidine	0.2	U
Aniline	1.1	U	Diethyl phthalate	13.5	U
Anthracene	1.3	U	Dimethyl phthalate	19.0	U
Azobenzene	1.0	U	2,4-Dinitrotoluene	0.3	U
Benzidine	1.9	U	2,6-Dinitrotoluene	1.3	U
Benzo(a)anthracene	0.6	U	Di-n-octyl phthalate	2.5	U
Benzo(b)fluoranthene	0.9	U	Fluoranthene	0.5	U
Benzo(k)fluoranthene	1.2	U	Fluorene	1.1	U
Benzoic Acid	0.4	U	Hexachlorobenzene	0.6	U
Benzo(a)pyrene	0.9	U	Hexachlorobutadiene	0.9	U
Benzo(ghi)perylene	0.6	U	Hexachlorocyclopentadiene	0.4	U
Benzyl Alcohol	1.4	U	Hexachloroethane	1.1	U
Bis(2-chloroethyl)ether	0.8	U	Indeno(1,2,3-cd)pyrene	0.2	U
Bis(2-chloroethoxy)methane	0.9	U	Isophorone	1.0	U
Bis(2-chloroisopropyl)ether	0.8	U	2-Methylnaphthalene	1.1	U
Bis(2-ethylhexyl)phthalate	0.9	13.9B	Napthalene	1.1	U
4-Bromophenylphenylether	0.5	U	2-Nitroaniline	0.9	U
Butylbenzylphthalate	1.0	U	3-Nitroaniline	0.6	U
2-Chloronaphthalene	0.8	U	4-Nitroaniline	0.1	U
4-Chlorophenylphenylether	0.9	U	Nitrobenzene	0.7	U
Chrysene	0.6	U	N-nitrosodimethylamine	0.2	U
Dibenzo(a,h)anthracene	0.3	U	N-nitrosodiphenylamine	0.9	U
Dibenzofuran	1.0	U	N-nitrosodi-n-propylamine	0.9	U
Di-n-butylphthalate	2.3	U	Phenanthrene	0.8	1.8
1,2-Dichlorobenzene	0.7	U	Pyrene	1.0	U
1,3-Dichlorobenzene	0.9	U	1,2,4-Trichlorobenzene	0.9	U

NOTE: MDL = Method Detection Limit

If the result is equal to or greater than the MDL, the value is reported

U = compound analyzed for but not detected

J = estimated value

B = compound also found in Lab Blank

NJDEP Certification # 20071

8428910737

SEMIVOLATILE ORGANICS DATA SHEET

ACID EXTRACTABLES

USEPA METHOD 625

Sample No: 9447
Source: 001A

Matrix: Water

Level: Low
Spl Size: 1000 ml
Date Smpl: 12/3
Units: ug/l

Extraction: Sep. Funnel
% Solids: N/A
Date Extr: 12/9

pH: 7.50
Dil. Factor: 1.0
Date Anal: 12/11

COMPOUND	MDL	AMOUNT	COMPOUND	MDL	AMOUNT
4-Chloro-3-methylphenol	0.8	U	4-Methylphenol	2.8	U
2-Chlorophenol	0.7	U	2-Nitrophenol	0.7	U
2,4-Dichlorophenol	0.6	U	4-Nitrophenol	0.3	U
2,4-Dimethylphenol	1.4	U	Pentachlorophenol	0.4	U
4,6-Dinitro-2-methylphenol	1.0	U	Phenol	1.1	U
2,4-Dinitrophenol	0.1	U	2,4,5-Trichlorophenol	0.9	U
2-methyl-4,6-dinitrophenol	0.5	U	2,4,6-Trichlorophenol	0.6	U
2-Methylphenol	1.3	U			

NOTE: MDL = Method Detection Limit

If the result is equal to or greater than the MDL, the value is reported

U = compound analyzed for but not detected

J = estimated value

B = compound also found in Lab Blank

NJDEP Certification # 20071

8428910738

SEMIVOLATILE ORGANICS DATA SHEET

PESTICIDES

USEPA METHOD 625

Sample No: 9447
Source: 001A

Matrix: Water

Level: Low
Spl Size: 1000 ml
Date Smpl: 12/3
Units: ug/l

Extraction: Sep. Funnel
% Solids: N/A
Date Extr: 12/9

pH: 7.50
Dil. Factor: 1.0
Date Anal: 12/11

COMPOUND	MDL	AMOUNT	COMPOUND	MDL	AMOUNT
Aldrin	0.4	U	Endosulfan I	0.4	U
alpha BHC	1.7	U	Endosulfan II	0.3	U
beta BHC	1.5	U	Endosulfan Sulfate	1.1	U
delta BHC	2.1	U	Endrin	0.6	U
gamma BHC	2.2	U	Endrin aldehyde	0.9	U
4,4'-DDD	0.9	U	Endrin ketone	0.8	U
4,4'-DDE	0.8	U	Heptachlor	0.3	U
4,4'-DDT	0.2	U	Heptachlor epoxide	0.4	U
Dieldrin	0.5	U	Methoxychlor	0.3	U

NOTE: MDL = Method Detection Limit

If the result is equal to or greater than the MDL, the value is reported

U = compound analyzed for but not detected

J = estimated value

B = compound also found in Lab Blank

NJDEP Certification # 20071

8428910739

SEMIVOLATILE ORGANICS DATA SHEET

BASE/NEUTRALS

USEPA METHOD 625

Sample No: 9448
Source: 002A

Matrix: Water

Level: Low
Spl Size: 1000 ml
Date Smpl: 12/3
Units: ug/lExtraction: Sep. Funnel
% Solids: N/A
Date Extr: 12/9pH: 6.80
Dil. Factor: 1.0
Date Anal: 12/16

COMPOUND	MDL	AMOUNT	COMPOUND	MDL	AMOUNT
Acenaphthene	2.5	U	1,4-Dichlorobenzene	1.2	U
Acenaphtylene	1.0	U	3,3'-Dichlorobenzidine	0.2	U
Aniline	1.1	U	Diethyl phthalate	13.5	U
Anthracene	1.3	U	Dimethyl phthalate	19.0	U
Azobenzene	1.0	U	2,4-Dinitrotoluene	0.3	U
Benzidine	1.9	U	2,6-Dinitrotoluene	1.3	U
Benzo(a)anthracene	0.6	U	Di-n-octyl phthalate	2.5	U
Benzo(b)fluoranthene	0.9	U	Fluoranthene	0.5	U
Benzo(k)fluoranthene	1.2	U	Fluorene	1.1	U
Benzoic Acid	0.4	U	Hexachlorobenzene	0.6	U
Benzo(a)pyrene	0.9	U	Hexachlorobutadiene	0.9	U
Benzo(ghi)perylene	0.6	U	Hexachlorocyclopentadiene	0.4	U
Benzyl Alcohol	1.4	U	Hexachloroethane	1.1	U
Bis(2-chloroethyl)ether	0.8	U	Indeno(1,2,3-cd)pyrene	0.2	U
Bis(2-chloroethoxy)methane	0.9	U	Isophorone	1.0	U
Bis(2-chloroisopropyl)ether	0.8	U	2-Methylnaphthalene	1.1	2.4
Bis(2-ethylhexyl)phthalate	0.9	14.5B	Napthalene	1.1	2.4
4-Bromophenylphenylether	0.5	U	2-Nitroaniline	0.9	U
Butylbenzylphthalate	1.0	1.1	3-Nitroaniline	0.6	U
2-Chloronaphthalene	0.8	U	4-Nitroaniline	0.1	U
4-Chlorophenylphenylether	0.9	U	Nitrobenzene	0.7	U
Chrysene	0.6	U	N-nitrosodimethylamine	0.2	U
Dibenzo(a,h)anthracene	0.3	U	N-nitrosodiphenylamine	0.9	U
Dibenzofuran	1.0	U	N-nitrosodi-n-propylamine	0.9	U
Di-n-butylphthalate	2.3	U	Phenanthrene	0.8	3.6
1,2-Dichlorobenzene	0.7	U	Pyrene	1.0	U
1,3-Dichlorobenzene	0.9	U	1,2,4-Trichlorobenzene	0.9	U

NOTE: MDL = Method Detection Limit

If the result is equal to or greater than the MDL, the value is reported

U = compound analyzed for but not detected

J = estimated value

B = compound also found in Lab Blank

NJDEP Certification # 20071

8428910740

SEMIVOLATILE ORGANICS DATA SHEET

ACID EXTRACTABLES

USEPA METHOD 625

Sample No: 9448
Source: 002A

Matrix: Water

Level: Low
Spl Size: 1000 ml
Date Smpl: 12/3
Units: ug/l

Extraction: Sep. Funnel
% Solids: N/A
Date Extr: 12/9

pH: 6.80
Dil. Factor: 1.0
Date Anal: 12/16

COMPOUND	MDL	AMOUNT	COMPOUND	MDL	AMOUNT
4-Chloro-3-methylphenol	0.8	U	4-Methylphenol	2.8	U
2-Chlorophenol	0.7	U	2-Nitrophenol	0.7	U
2,4-Dichlorophenol	0.6	U	4-Nitrophenol	0.3	U
2,4-Dimethylphenol	1.4	U	Pentachlorophenol	0.4	U
4,6-Dinitro-2-methylphenol	1.0	U	Phenol	1.1	U
2,4-Dinitrophenol	0.1	U	2,4,5-Trichlorophenol	0.9	U
2-methyl-4,6-dinitrophenol	0.5	U	2,4,6-Trichlorophenol	0.6	U
2-Methylphenol	1.3	U			

NOTE: MDL = Method Detection Limit

If the result is equal to or greater than the MDL, the value is reported

U = compound analyzed for but not detected

J = estimated value

B = compound also found in Lab Blank

NJDEP Certification # 20071

8428910741

SEMIVOLATILE ORGANICS DATA SHEET

PESTICIDES

USEPA METHOD 625

Sample No: 9448
Source: 002A

Matrix: Water

Level: Low
Spl Size: 1000 ml
Date Smpl: 12/3
Units: ug/l

Extraction: Sep. Funnel
% Solids: N/A
Date Extr: 12/9

pH: 6.80
Dil. Factor: 1.0
Date Anal: 12/16

COMPOUND	MDL	AMOUNT	COMPOUND	MDL	AMOUNT
Aldrin	0.4	U	Endosulfan I	0.4	U
alpha BHC	1.7	U	Endosulfan II	0.3	U
beta BHC	1.5	U	Endosulfan Sulfate	1.1	U
delta BHC	2.1	U	Endrin	0.6	U
gamma BHC	2.2	U	Endrin aldehyde	0.9	U
4,4'-DDD	0.9	U	Endrin ketone	0.8	U
4,4'-DDE	0.8	U	Heptachlor	0.3	U
4,4'-DDT	0.2	U	Heptachlor epoxide	0.4	U
Dieldrin	0.5	U	Methoxychlor	0.3	U

NOTE: MDL = Method Detection Limit

If the result is equal to or greater than the MDL, the value is reported

U = compound analyzed for but not detected

J = estimated value

B = compound also found in Lab Blank

NJDEP Certification # 20071

8428910742

New Jersey Department of Environmental Protection and Energy
Wastewater Facilities Regulation Program
Bureau of Industrial Discharge Permits
CN-029

Trenton, N.J. 08625
(609) 292-4860

PUBLIC NOTICE

JUL 29 1992

Notice is hereby given that the New Jersey Department of Environmental Protection and Energy, Wastewater Facilities Regulation Program proposes to modify the existing NEW JERSEY POLLUTANT DISCHARGE ELIMINATION SYSTEM/DISCHARGE TO SURFACE WATER (NJPDDES/DSW) Permit NJ0063738 to restrict and control the discharge of pollutants to the Newark Bay, classified as SE3 waters, from:

Reichhold Chemicals, Inc.
(Formerly Spencer Kellogg Products)
400 Doremus Avenue
Newark, Essex County
New Jersey 07105

The applicant's activity involves manufacturing of synthetic resins. The Standard Industrial Classification (SIC) Code for this activity is 2821. The applicant discharges stormwater runoff, non-contact cooling water from a cooling tower, and boiler blowdown into Newark Bay via two outfalls, 001 and 002.

This permit modification will resolve an adjudicatory hearing request by Spencer Kellogg Products-NL Chemicals/NL Industries (NL) dated July 27, 1988. The proposed modifications include the following: Outfall 001B has been eliminated; outfall 001A will discharge stormwater from drains Number 1 and 2 whereas it formerly discharged stormwater collected in outdoor drains Number 1 through 5; the parameter Total Organic Carbon (TOC) will be substituted for the parameter Chemical Oxygen Demand (COD); and the monitoring requirement for the organic toxic pollutants will be replaced with an Ethylbenzene monitoring requirement. Comments on this draft modification shall be limited to only those specific items changed by this proposal. This permit modification will effect pages 1, 4, 5, 7, 10 and 11 of Part III - B/C.

The facility has been classified as a minor discharger by the New Jersey Department of Environment Protection and Energy (NJDEPE) in accordance with the USEPA rating criteria.

This notice is being given to inform the public that NJDEPE has prepared a draft NJPDDES permit modification (NJPDDES Permit No. NJ0063738) in accordance with the "Regulations Concerning the New Jersey Pollutant Discharge Elimination System" (N.J.A.C. 7:14A-1 et seq.), which were promulgated pursuant to the authority of the New Jersey "Water Pollution Control Act" (N.J.S.A. 58:10A-1 et seq.).

This is an existing facility, and issuance of a NJPDES permit is the enforcement mechanism by which pollutant discharges are brought into compliance with standards. The draft permit modification contains those conditions necessary to restrict the discharge of pollutants and protect the public health and environment. The draft document prepared by the NJDEPE is based on the administrative record which is on file at the offices of the NJDEPE, Wastewater Facilities Regulation Program, located at 401 East State Street, in the City of Trenton, Mercer County, New Jersey. It is available for inspection, by appointment, between 8:30 a.m. and 4:00 p.m., Monday through Friday. Appointments for inspection of the file may be scheduled by calling (609) 292-0400. Copies of the draft permit may be obtained for a nominal charge by contacting the Department.

Interested persons may submit written comments on the draft document to the Administrator, Wastewater Facilities Regulation Program, at the address cited above. All comments must be submitted within 30 days of the date of this public notice. All persons, including applicants, who believe that any condition of this draft document is inappropriate or that the Department's tentative decision to issue this draft permit modification is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period. All comments submitted by interested persons in response to this notice, within the time limit, will be considered by the NJDEPE with respect to the permit modification. At the close of the public comment period, the Department will issue or deny the permit modification. The Department will respond to all significant and timely comments when a final decision is issued. The applicant and each person who has submitted written comments will receive notice of the NJDEPE's final decision.

Any interested person may request in writing that the NJDEPE hold a non-adversarial public hearing on the draft document. This request shall state the nature of the issues to be raised in the proposed hearing as detailed above, and shall be submitted within 30 days of the date of this public notice to the Administrator, Wastewater Facilities Regulation Program, at the address cited above. A public hearing will be conducted whenever the NJDEPE determines that there is a significant degree of public interest. If a public hearing is held, the public comment period in this notice shall automatically be extended to the close of the public hearing.

Additional information concerning the draft permit modification may be obtained between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday from: Jay Acharya at (609) 292-4860.

Dennis Hart
Administrator
Wastewater Facilities Regulation Program

Fact Sheet/Basis
Permit No. NJ0063738
Page 1 of 5 Pages

State of New Jersey
Department of Environmental Protection and Energy
Wastewater Facilities Regulation Program
401 E. State Street, CN-029
Trenton, New Jersey 08625

FACT SHEET
FOR DRAFT NJPDES PERMIT TO DISCHARGE
INTO THE WATERS OF THE STATE OF NEW JERSEY

Permit No. NJ0063738

Date: JUL 29 1992

Name and Address of Applicant: Reichhold Chemicals, Inc.
(Formerly Spencer Kellogg Products)
400 Doremus Avenue
Newark, NJ 07105

Name and Address of Facility
where Discharge Occurs: Reichhold Chemicals, Inc.
400 Doremus Avenue
Newark, Essex County

Receiving Water: Newark Bay

Classification: SE3

I. DESCRIPTION OF FACILITY

The above named applicant has applied for a modification of its existing New Jersey Pollutant Discharge Elimination System (NJPDES) permit to the State of New Jersey Department of Environmental Protection and Energy (NJDEPE), Wastewater Facilities Regulation Program to discharge into the designated receiving water. A location map of the facility is included on page 3.

The applicant's activity involves manufacturing of synthetic resins. The Standard Industrial Classification (SIC) Code for this activity is 2821. The applicant discharges stormwater runoff, non-contact cooling water from a cooling tower, and boiler blowdown into Newark Bay via two outfalls, 001 and 002.

The facility has been classified as a minor discharger by the New Jersey Department of Environment Protection and Energy (NJDEPE) in accordance with the USEPA rating criteria.

Fact Sheet/Basis

Permit No. NJ0063738

Page 2 of 5 Pages

II. DESCRIPTION OF DRAFT PERMIT CONDITIONS

A brief summary of the basis regarding the permit modification is included in the Statement of Basis.

III. VARIANCE OR MODIFICATION (if applicable)

The Department has prepared a draft major modification to incorporate several changes resulting from the facility's ongoing discharge. The proposed modifications include the following: Outfall 001B has been eliminated; outfall 001A will discharge stormwater from drains Number 1 and 5 whereas it formerly discharged stormwater collected in outdoor drains Number 1 through 5; the parameter Total Organic Carbon (TOC) will be substituted for the parameter Chemical Oxygen Demand (COD); and the monitoring requirement for the organic toxic pollutants will be replaced with an Ethylbenzene monitoring requirement.

IV. WATER QUALITY BASED PERMIT LIMITS (if applicable)

It has been determined that Water Quality Based Effluent Limitations (WQBELs) are not the governing criteria at this time.

V. PROCEDURES FOR REQUESTING MODIFICATION OF A WATER QUALITY BASED EFFLUENT LIMITATION

In accordance with N.J.A.C. 7:14A-9.6(d), applications for a modification to water quality based effluent limitations must be made prior to the close of the public comment period. Procedures for requesting a modification to a water quality based effluent limitation are found in N.J.A.C. 7:9-4.9 (New Jersey Surface Water Quality Standards). For guidance and additional information, please contact the Bureau of Water Quality Analysis at (609) 633-7020.

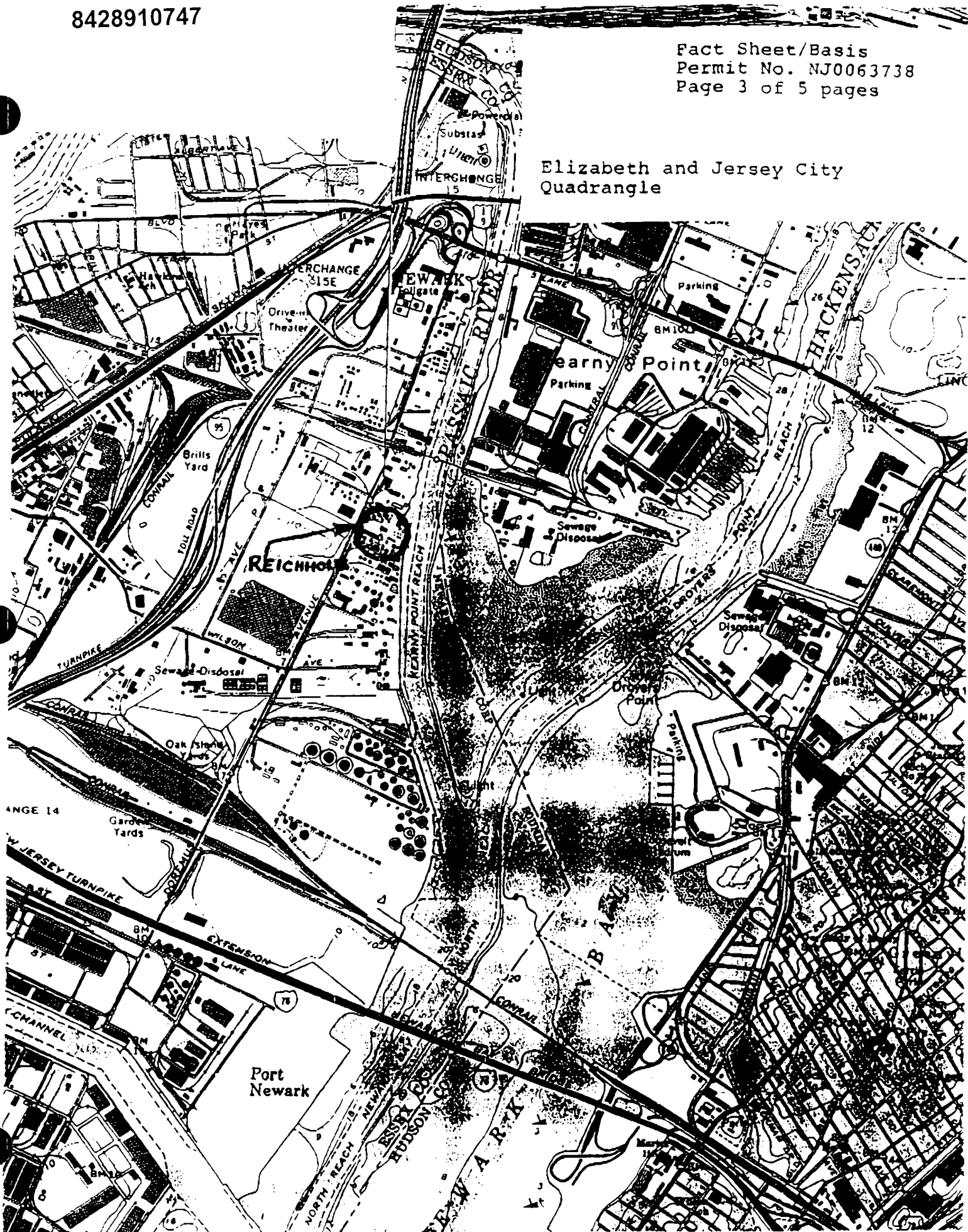
VI. PROCEDURES FOR REACHING A FINAL DECISION ON THE DRAFT PERMIT

These procedures are set forth in N.J.A.C. 7:14A-7.1 et seq. . Included in the public notice are requirements for the submission of comments by a specified date, procedures for requesting a hearing and the nature of the hearing, and other procedures for participation in the final agency decision.

VII. NJDEPE CONTACT

Additional information concerning the Draft Permit modification may be obtained between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday from: Jay A. Acharya, Surface Water Section, at (609) 292-4860.

Elizabeth and Jersey City
Quadrangle



STATEMENT OF BASIS
DRAFT NJPDES PERMIT TO
DISCHARGE INTO THE WATERS OF
THE STATE OF NEW JERSEYNJPDES Application No. NJ0063738DESCRIPTION OF MODIFIED LIMITATIONS AND CONDITIONSA. DSN 001A:

As shown on the Drainage Plan (page 1 of 13 pages, Part III - B/C), DSN 001A formerly discharged stormwater collected in outdoor drains Number 1 through 5. Stormwater which collects in the areas of drains Number 2, 3, and 4 is now being diverted to the diked tank farm and discharged in accordance with Reichhold's industrial user permit with Passaic Valley Sewerage Commission (PVSC). Outfall 001A remains active, discharging stormwater and cooling water from drains number 1 and 5. A spill containment berm and manually-actuated sump pumps have been installed in this area to better control the stormwater.

B. DSN 001A AND DSN 002:

The current permit requires monitoring for Chemical Oxygen Demand (COD) and establishes a maximum daily effluent limitation of 100 mg/l in accordance with USEPA regional guidance for stormwater runoff and non-contact cooling water discharges. Based on the provisions of the regional guidance and as requested by Reichhold Chemicals, Inc. (Reichhold), the parameter Total Organic Carbon (TOC), with a maximum daily effluent concentration limitation of 50 mg/l will be substituted for the parameter COD. Reichhold requested to make this change based on the presumption that interferences in the test methodology from the saline receiving water cause exceedance of the COD limitation.

Discharge Monitoring Reports (DMRs) for DSN 001A and DSN 002 indicate non-detectable levels for all of the organic pollutants (N.J.A.C. 7:14A, Appendix B - Table II) required to be monitored in the existing. Since Ethylbenzene is the only constituent used at the plant among those organic toxic pollutants and since all other pollutants have been non-detectable for two years of monitoring, monitoring for only Ethylbenzene will be included in the permit. The monitoring for Ethylbenzene will be required for the duration of this permit. The monitoring data for Ethylbenzene attained for the duration of this permit will be evaluated at the time the review for the permit renewal is conducted and a determination will be made at that time as to whether imposition of a limitation will be necessary.

Fact Sheet/Basis
Permit No. NJ0063738
Page 5 of 5 Pages

C. DSN 001B:

As shown on the Drainage plan (page 1 of 13 pages, Part III - B/C), DSN 001B formerly discharged stormwater collected in outdoor drain No. 6. Since stormwater which collects in this area is now being diverted to a diked tank farm and discharged in accordance with Reichhold's industrial user permit with PVSC, all effluent limitations and monitoring requirements for DSN 001B will be deleted from the existing permit.



New Jersey Pollutant Discharge Elimination System

The New Jersey Department of Environmental Protection hereby restricts and controls the discharge of pollutants to waters of the State from the subject facility/activity in accordance with applicable laws and regulations. The permittee is responsible for complying with all terms and conditions of this authorization and agrees to said terms and conditions as a requirement for the construction, installation, modification or operation of any facility for the collection, treatment or discharge of any pollutant to waters of the State.

PERMIT NUMBER NJ0063738

DRAFT

Permittee

REICHOLD CHEMICALS INC
COATING POLYMERS & RESINS DIV
400 DOREMUS AVENUE
NEWARK NJ 07105

Co-Permittee

Property Owner

REICHOLD CHEMICALS INC
COATING POLYMERS & RESINS DIV
400 DOREMUS AVENUE
NEWARK NJ 07105

Location of Activity

REICHOLD CHEMICALS INC
COATING POLYMERS & RESINS DIV
400 DOREMUS AVENUE
NEWARK NJ 07105

Current Authorization

Covered By This Approval
And Previous Authorization

Issuance
Date

Effective
Date

Expiration
Date

05 :GROUP I - STORMWATER RUNOFF
C :THERMAL SURFACE WATER DISCH

00/00/0000 00/00/0000 00/00/0000
00/00/0000 00/00/0000 00/00/0000

Modification to Categories 05 and C

00/00/0000 00/00/0000 00/00/0000

DISCHARGE TO: Newark Bay

CLASSIFICATION: SE3

By Authority of:
COMMISSIONER'S OFFICE

DEPE AUTHORIZATION

DENNIS HART

ADMINISTRATOR

(Terms, conditions and provisions attached hereto)

WASTEWATER FACILITIES REGULATION PROGRAM

State of New Jersey Department of Environmental Protection/Division of Water Resources

8428910750

Checklist of Parts and Modules Comprising this NJPDES Permit1. **Cover Page**✓ 2. **Checklist**3. **Part I - General Conditions for All NJPDES Discharge Permits**4. **Part II - Additional General Conditions for the types of NJPDES Permits checked as follows:**☐ **Part II - A (Municipal/Sanitary)**☐ **Part II - B/C (Industrial/Commercial/Thermal)**☐ **Part II - L (SLU)**☐ **Part II - IWMF (Industrial Waste Management Facility)**☐ **Part II - DGW**

Specify type(s): _____

✓ 5. **Part III - Effluent Limitations and Monitoring Requirements**☐ **Part III - A**✓ ☐ **Part III - B/C (only Pages 1, 4, 5, 7, 10, and 11)**☐ **Part III - L**☐ **Part III - DGW**

Specify type(s): _____

6. **Part IV - Special Conditions**☐ **Part IV - A**☐ **Part IV - B/C**☐ **Part IV - L**☐ **Part IV - IWMF**☐ **Part IV - Residuals**☐ **Part IV - DGW**

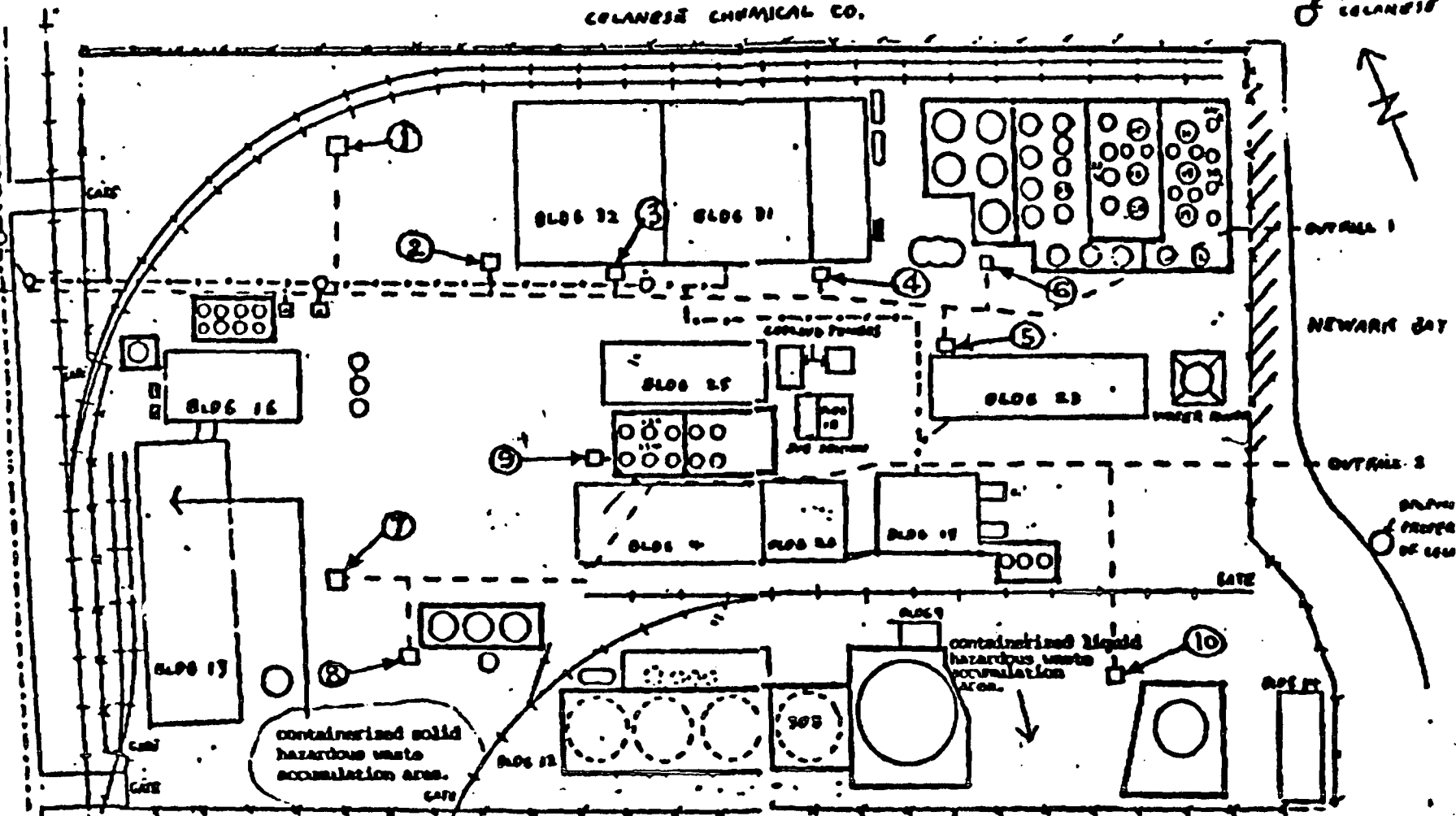
Specify type(s): _____

7. **Part V - Chronic Toxicity Methods**

COLANESI CHEMICAL CO.

NEWARK JAY

BOERHUIS AVENUE



DRAINAGE PLAN - NEWARK PLANT.

STENCER KEMCE PRODUCTS
 NL CHEMICALS/ NL INDUSTRIES, INC.
 700 BOERHUIS AVE
 NEWARK, N.J. 07105
 12-16-85 SCALE: 1"=80'

SUN OIL CO.

- STORM SEWER DRAIN
- SANITARY SEWER DRAIN
- MANHOLE
- - - STORM SEWER
- — — SANITARY SEWER

DSN 001A: Composite sample of grab samples taken at each storm drain 1, 2, 3, 4, and 5 represents the outfall of DSN 001A.

~~DSN 001B: Sample taken at the storm drain 6 represents the outfall of DSN 001B. (DELETED)~~

DSN 002: Composite sample of grab samples taken at each storm drain 7, 8, 9, and 10 represents the outfall of DSN 002.

FROM: NEWARK (CD)

TO:

919 990 7707

JUL 31, 1992

5:47PM

P.11

8428910752

Part III - B/C
Page 4 of 13 Pages
Permit No. NJ0063738
Modified: 7/92

1.B EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning EDPM and lasting through July 31, 1993 the permittee is authorized to discharge from outfall(s) serial number(s): 001A; stormwater runoff and boiler blowdown.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the specified monitoring requirements shall be taken at the following location(s): at the outfall of DSN(s) 001A;⁽¹⁾ and shall be reported monthly.

<u>EFFLUENT CHARACTERISTIC</u>	Minimum	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
		Average	Maximum	Frequency	Sample type
Flow (MGD)	N/A	NL	Monitor only	Monthly	Instantaneous
Temperature (°C)	N/A	NL	30	Monthly	Grab ⁽²⁾
TSS (mg/l)	N/A	NL	50	Monthly	Grab ⁽²⁾
pH (S.U.)	6.0	N/A	9.0	Monthly	Grab ⁽²⁾
TOC (mg/l)	N/A	NL	50	Monthly	Grab ⁽²⁾
Petroleum Hydrocarbons ⁽³⁾ (mg/l)	N/A	10	15	Monthly ⁽⁴⁾	Multiple Grab ⁽⁵⁾
Toluene (ug/l)	N/A	NL	50	Monthly	Grab ⁽²⁾
Total Phenols (mg/l)	N/A	NL	Monitor only ⁽⁶⁾	Monthly	Grab ⁽²⁾
Ethylbenzene, (ug/l)	N/A	NL	Monitor only ⁽⁶⁾	Monthly	Grab ⁽²⁾
Copper ⁽⁷⁾ (ug/l)	N/A	N/A	1000	Monthly	Grab ⁽²⁾
Zinc ⁽⁷⁾ (ug/l)	N/A	N/A	1000	Monthly	Grab ⁽²⁾
Chromium ⁽⁷⁾ (ug/l)	N/A	N/A	500	Monthly	Grab ⁽²⁾

8428910753

Part III - B/C
Page 5 of 13 Pages
Permit No. NJ0063738
Modified: 7/92

1.B EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- (1) A composite sample of Grab Samples taken at each of the storm drains, 1 and 5, represents the outfall of DSN 001A (see drainage plan on page 1 of 13 pages)
- (2) A composite sample of Grab Samples taken at each of the storm drains 1 and 5.
- (3) And no visible sheen.
- (4) During the first precipitation event of the month which causes a discharge during working hours and which is preceded by a dry period of 72 hours.
- (5) The permittee shall take samples 15, 30 and 45 minutes after the onset of the discharge. The permittee shall analyze each sample individually and report a maximum value for the samples.
- (6) Limitations may be imposed after receipt of monitoring data.
- (7) Monitoring for this parameter is not required unless a corrosion inhibitor containing this metal is used for water treatment purposes.

NL = Not Limited, but both monitoring and reporting are required.

EDPM = Effective Date of Permit Modification

8428910754

Part III - B/C

Page 7 of 13 Pages

Permit No. NJ0063738

Modified: 7/92

OUTFALL 001B1.D EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning EDPM and lasting through July 31, 1993 there shall be no discharge to the surface water from the outfall DSN 001B.*

* For location of this outfall see drainage plan on page 1 of 13 pages

EDPM = Effective Date of Permit Modification

JUL 31, 1992

919 990 7707

TD:

FROM: NEWARK (D)

Part III - B/C
 Page 10 of 13 Pages
 Permit No. NJ0063738
 Modified: 7/92

1.F EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning EDPM and lasting through July 31, 1993 the permittee is authorized to discharge from outfall(s) serial number(s): 002; stormwater runoff and non-contact cooling water from cooling tower.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the specified monitoring requirements shall be taken at the following location(s): at the outfall of DSN(s) 002;⁽⁶⁾ and shall be reported monthly.

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
	Minimum	Average	Maximum	Frequency	Sample type
Flow (MGD)	N/A	NL	Monitor only	Monthly	Instantaneous
Temperature (°C)	N/A	NL	30	Monthly	Grab ⁽²⁾
TSS (mg/l)	N/A	NL	50	Monthly	Grab ⁽²⁾
pH (S.U.)	6.0	N/A	9.0	Monthly	Grab ⁽²⁾
TOC (mg/l)	N/A	NL	50	Monthly	Grab ⁽²⁾
Petroleum Hydrocarbons ⁽³⁾ (mg/l)	N/A	10	15	Monthly ⁽⁴⁾	Multiple Grab ⁽⁵⁾
Toluene (ug/l)	N/A	NL	50	Monthly	Grab ⁽²⁾
Total Phenols (mg/l)	N/A	NL	Monitor only ⁽⁶⁾	Monthly	Grab ⁽²⁾
Ethylbenzene (ug/l)	N/A	NL	Monitor only ⁽⁶⁾	Monthly	Grab ⁽²⁾
Copper ⁽⁷⁾ (ug/l)	N/A	N/A	1000	Monthly	Grab ⁽²⁾
Zinc ⁽⁷⁾ (ug/l)	N/A	N/A	1000	Monthly	Grab ⁽²⁾
Chromium ⁽⁷⁾ (ug/l)	N/A	N/A	500	Monthly	Grab ⁽²⁾

8428910756

5:49PM P.16

JUL 31, 1992

919 990 7707

TO:

FROM: NEWARK (D)

Part III - B/C
Page 11 of 13 Pages
Permit No. NJ0063738
Modified: 1/92

1.F EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- (1) A composite sample of Grab Samples taken at each of the storm drains, 7, 8, 9 and 10, represents the outfall of DSN 002. (see drainage plan on page 1 of 13 pages)
- (2) A composite sample of Grab Samples taken at each of the storm drains 7, 8, 9 and 10.
- (3) And no visible sheen.
- (4) During the first precipitation event of the month which causes a discharge during working hours and which is preceded by a dry period of 72 hours.
- (5) The permittee shall take samples 15, 30 and 45 minutes after the onset of the discharge. The permittee shall analyze each sample individually and report a maximum value for the samples.
- (6) Limitations may be imposed after receipt of monitoring data.
- (7) Monitoring for this parameter is not required unless a corrosion inhibitor containing this metal is used for water treatment purposes.

NL = Not Limited, but both monitoring and reporting are required.

EDPM = Effective Date of Permit Modification

8428910757

CHEMICAL OXYGEN DEMAND

Method 410.4 (Colorimetric, Automated; Manual)

STORET NO. 00340

1. Scope and Application
 - 1.1 This method covers the determination of COD in surface waters, domestic and industrial wastes.
 - 1.2 The applicable range of the automated method is 3-900 mg/l and the range of the manual method is 20 to 900 mg/l.
2. Summary of Method
 - 2.1 Sample, blanks and standards in sealed tubes are heated in an oven or block digester in the presence of dichromate at 150°C. After two hours, the tubes are removed from the oven or digester, cooled and measured spectrophotometrically at 600 nm.
3. Sample Handling and Preservation
 - 3.1 Collect the samples in glass bottles if possible. Use of plastic containers is permissible if it is known that no organic contaminants are present in the containers.
 - 3.2 Samples should be preserved with sulfuric acid to a pH < 2 and maintained at 4°C until analysis.
4. Interferences
 - 4.1 Chlorides are quantitatively oxidized by dichromate and represent a positive interference. Mercuric sulfate is added to the digestion tubes to complex the chlorides.
5. Apparatus
 - 5.1 Drying oven or block digester, 150°C
 - 5.2 Corning culture tubes, 16 x 100 mm or 25 x 150 mm with Teflon lined screw cap
 - 5.3 Spectrophotometer or Technicon AutoAnalyzer
 - 5.4 Muffle furnace, 500°C.
6. Reagents
 - 6.1 Digestion solution: Add 10.2 g $K_2Cr_2O_7$, 167 ml conc. H_2SO_4 and 33.3 g $HgSO_4$ to 500 ml of distilled water, cool and dilute to 1 liter.
 - 6.2 Catalyst solution: Add 22 g Ag_2SO_4 to a 4.09kg bottle of conc. H_2SO_4 . Stir until dissolved.
 - 6.3 Sampler wash solution: Add 500 ml of conc H_2SO_4 to 500 ml of distilled water.
 - 6.4 Stock potassium acid phthalate: Dissolve 0.850 g in 800 ml of distilled water and dilute to 1 liter. 1 ml = 1 mg COD
 - 6.4.1 Prepare a series of standard solutions that cover the expected sample concentrations by diluting appropriate volumes of the stock standard.
7. Procedure
 - 7.1 Wash all culture tubes and screw caps with 20% H_2SO_4 before their first use to prevent contamination. Trace contamination may be removed from the tubes by igniting them in a muffle oven at 500°C for 1 hou

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

RECEIVED DEC 5 1990

DAVE - FT
(2) FILE - NEWARK (D)
PERMITS - NPDES

REICHHOLD

November 29, 1990

Mr. Robert Oberthaler
Bureau Chief
NJDEP/Department of Water Resources
Bureau of Industrial Discharge Permits
CN 029
Trenton, N.J. 08625

RE.: Modification of NJPDES Permit No. 0063738
Reichhold Chemicals, Inc. (formerly NL Chemicals)
400 Doremus Avenue, Newark, N.J. 07105

Dear Mr. Oberthaler:

At the request of Mr. Jay Acharya of your office, I am writing to bring you up to date on Reichhold's NJPDES Permit No. 0063738.

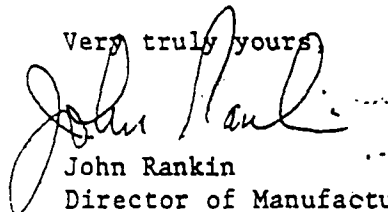
The existing permit was issued to NL Chemicals/Spencer Kellogg Products in 1988. At that time, a request for a hearing was made by NL to contest certain parameters of the permit, in light of planned ECRA activities at the plant.

Reichhold purchased the facility from NL in September 1989. Since then, Reichhold has implemented a stormwater management program to collect stormwater in high traffic areas of the plant and discharge to Passaic Valley Sewerage Commission for further treatment. These changes are described in the attached letters and accompanying "Application for Exemption from all or part of the New Jersey Pollutant Discharge Elimination System Permit."

Reichhold wishes to formally withdraw NL's prior request for hearing and propose, instead, the minor modifications described in the attachments. In the interest of reaching a final resolution of this matter, I am available to meet with you at your convenience.

Thank you for your cooperation in this matter, and I look forward to your response.

Very truly yours,



John Rankin
Director of Manufacturing - Northeast

JR/glm
cc: J. Acharya - NJDEP/Trenton
(201) 589-3709
(201) 817-9173 (Facsimile)

bcc: A. Dieffenbach
J. Pointek
V. ~~Wills~~

8428910759

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

October 23, 1990

Mr. Jay Acharya
NJDEP/Department of Water Resources
Management Services Element
Bureau of Information Systems
CN 029
Trenton, NJ 08625

RE: Modification of NJPDES Permit No. 0063738
Reichhold Chemicals, Inc. (formerly NL Chemicals)
400 Doremus Avenue, Newark, N.J. 07105

Dear Mr. Acharya:

As we have discussed, I am submitting an "Application for Exemption from all or part of the New Jersey Pollutant Discharge Elimination System Permit." Due to recent modifications, Reichhold proposes to formally amend NJPDES permit NO. 0063738 to eliminate outfall 001B. Outfalls 001A and 002 will remain active, as modified by the terms described herein.

1) OUTFALL 001B

As shown on the attached plant diagram, outfall 001B formerly discharged stormwater collected in outdoor drain #6. Stormwater which collects in this area is now being diverted to a diked tank farm and discharged in accordance with Reichhold's industrial user permit with Passaic Valley Sewerage Commission. Spill containment berms and a manually-actuated sump pump have been installed in this area to better control the management of stormwater.

2) OUTFALL 001A

Outfall 001A formerly discharged stormwater collected in outdoor drain No.'s 1-5. Stormwater which collects in the areas of drain No.'s 2, 3 and 4 is now being diverted to the diked tank farm described above and managed in accordance with Reichhold's industrial user permit. Spill containment berm and manually-actuated sump pumps have been installed in these areas. Outfall 001A will remain active, discharging stormwater from drain No.'s 1 and 5.

3) OUTFALL 002

Outfall 002 will remain active and unchanged.

(201) 589-3709
(201) 817-9173 (Facsimile)

8428910760

Mr. Jay Acharya
October 23, 1990
Page 2 - Continued

4) COD LIMIT

From our telephone conversation, I understand that the plant's existing COD limit of 100 ppm can be replaced with a TOC limit of 50 ppm upon Reichhold's election. Reichhold wishes to make this change based on the presumption that interferences are contributing to COD levels.

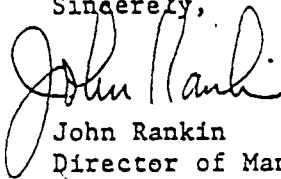
5) TTO LIMIT

Reichhold proposes to replace the total toxic organics (TTO) requirement with an ethyl benzene monitoring requirement, since ethyl benzene is the only constituent used at the plant among the four GC/MS fractions (N.J.A.C. 7:14A, Appendix B-Table II).

Reichhold requests a formal permit modification incorporating the proposed changes described.

Please call me at (201) 589-3709 if you have any questions on this matter.

Sincerely,



John Rankin
Director of Manufacturing - Northeast

JR/glm

cc: D. Bright	- RCI/R.T.P.
A. Dieffenbach	- RCI/Newark
J. Pointek	- RCI/Newark
V. Will	- RCI/R.T.P.

8428910761

BOREAS AVENUE

8428910762

COLANSE CHEMICAL CO.

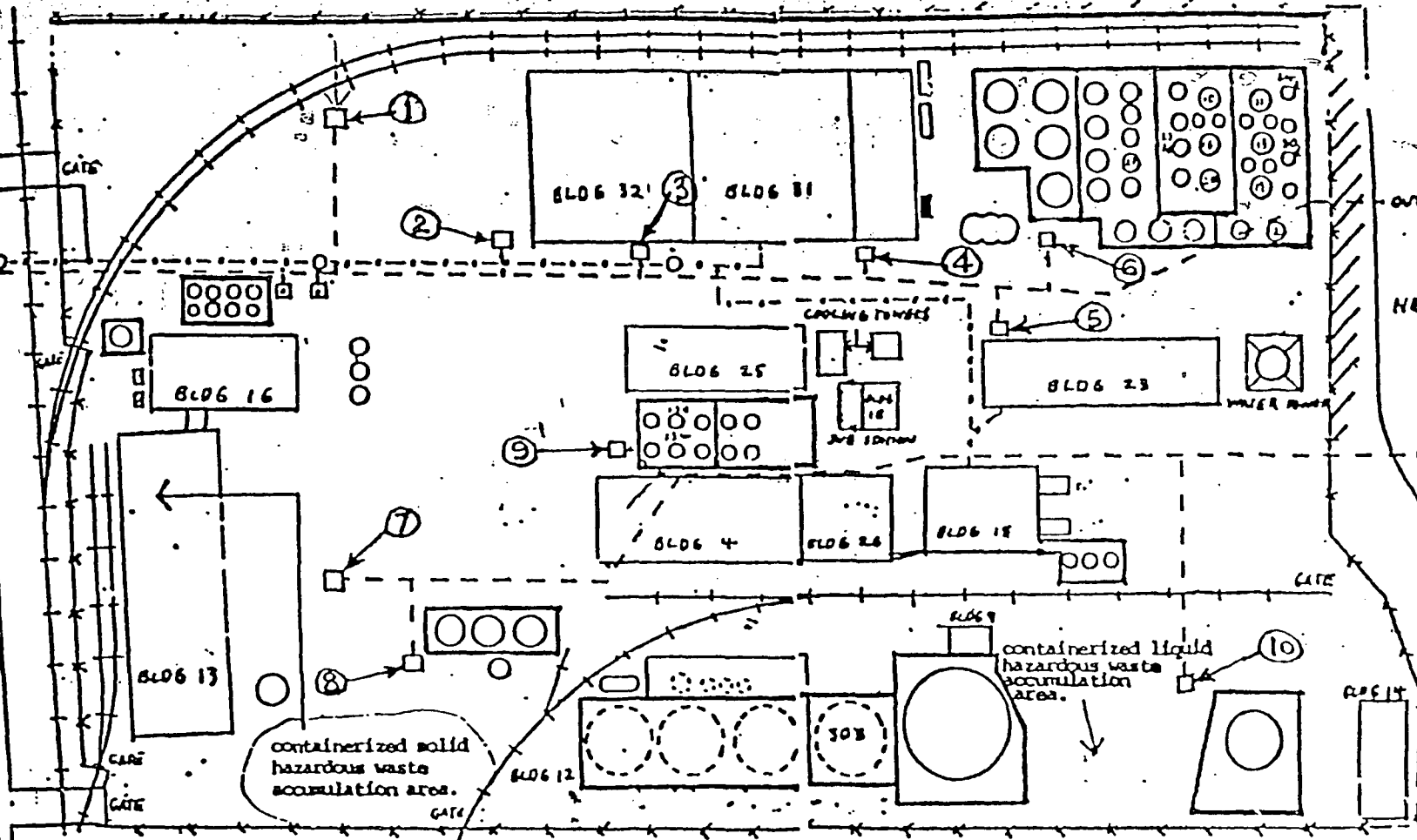
DELPHIN PROPERTY OF COLANSE

OUTFALL 1

NEWARK BAY

OUTFALL 2

DELPHIN PROPERTY OF COLANSE



DRAINAGE PLAN - NEWARK PLANT.

STENCER KELLOGG PRODUCTS
NL CHEMICALS/NL INDUSTRIES, INC.
400 DOREMUS AVE
NEWARK, N.J. 07105
12-16-85 SCALE: 1"=80'

SVN OIL CO.

- STORM SEWER DRAIN
- SANITARY SEWER DRAIN
- MANHOLE
- STORM SEWER
- SANITARY SEWER

- DSN 001A: Composite sample of grab samples taken at each storm drain 1, 2, 3, 4, and 5 represents the outfall of DSN 001A.
- DSN 001B: Sample taken at the storm drain 6 represents the outfall of DSN 001B.
- DSN 002: Composite sample of grab samples taken at each storm drain 7, 8, 9, and 10 represents the outfall of DSN 002.

Let's protect our earth



(609) 292-4860

JAY ACHARYA

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES
CN 029
TRENTON, NEW JERSEY 08625

GEORGE G. McCANN, P.E.
DIRECTOR

DIRK C. HOFMAN, P.E.
DEPUTY DIRECTOR

SUBJECT: Termination of New Jersey Pollutant Discharge Elimination
System (NJPDDES) Permits

In order to terminate a NJPDDES Permit, the attached Application for
Exemption must be completed and filed with the Department at the
address below.

In cases where these regulations have not been followed, the
Department will consider the permit not to be terminated, and the
permittee will be responsible for all permit conditions and fees.

All documents as well as any inquiries should be sent to:

Department of Environmental Protection
Division of Water Resources
Management Services Element
Bureau of Information Systems
CN 029
Trenton, N.J. 08625

WQM13:gk

Attachment

Application for Exemption
from all or part of
the New Jersey Pollutant
Discharge Elimination System Permit

State of NEW JERSEY) ss:
County of ESSEX)
_____, being sworn, states:

1. I am JOHN RANKIN, PLANT MANAGER
(Name, Title and Position)

*Signatory must be the person responsible under N.J.A.C. 7:14A-2.4 (i.e. for a Corporation normally must be signed by a Vice President or higher Corporate Officer.)

of REICHOLD CHEMICALS, INC.
(Name of Company)

2. I have personal knowledge of the facts set forth herein.

3. NJPDES Permit No. NJ 0003738, issued on JUNE 30, 1988,
authorized the "discharge" of "pollutants" to the waters of the State of
New Jersey, from REICHOLD CHEMICALS (FORMERLY NL CHEMICALS) or operation of such
(Name of Plant or Facility)
a facility.

4. Check below the appropriate type of permitted discharge(s) at this
facility, and indicate if the discharge will be retained or terminated:

Category	Type of Discharge	Retained (Y/N)	Request Termination (Y/N)	Date Discharge Ceased (YY/MM/DD)
<input checked="" type="checkbox"/> A	Sanitary Surface Water Discharge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> B	Industrial/Commercial Surface Water Discharge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> (0018 ONLY)	<u>10/90</u>
<input type="checkbox"/> B1	DPCC-DCR/BMP Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> B2	BMP Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> B3	DPCC/DCR/Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> C	Thermal Surface Water Discharge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8428910764

CG	General Permit Non-Contact	_____	_____	_____
D	Land Application of Sludge and Septage	_____	_____	_____
E	Land Application of Industrial Waste Residuals	_____	_____	_____
F	Landfill - Industrial/Commercial Waste	_____	_____	_____
G	Spray Irrigation Industrial	_____	_____	_____
H	Overland Flow Industrial	_____	_____	_____
I	Infiltration/Percolation Lagoon - Industrial	_____	_____	_____
J	Surface Impoundment Industrial	_____	_____	_____
K	Underground Injection (UIC) Industrial	_____	_____	_____
L	Indirect Discharge to POTW (SIU)	_____	_____	_____
M	Subsurface Disposal Industrial	_____	_____	_____
N	Community Septic System	_____	_____	_____
O	Landfill Municipal/Sanitary	_____	_____	_____
P	Spray Irrigation Sanitary	_____	_____	_____
Q	Overland Flow - Sanitary	_____	_____	_____
R	Infiltration/Percolation Lagoon - Sanitary	_____	_____	_____
S	Surface Impoundment Sanitary	_____	_____	_____
T	Underground Injection Sanitary	_____	_____	_____

<u> </u>	U	Dredge Spoils	<u> </u>	<u> </u>	<u> </u>
<u> </u>	V	Sludge Processing Distribution Facility	<u> </u>	<u> </u>	<u> </u>
<u> </u>	W	Oil/Water Separators	<u> </u>	<u> </u>	<u> </u>
<u> </u>	Z	Residuals Transfer Facilities (Sludge)	<u> </u>	<u> </u>	<u> </u>
<u> </u>	1	Municipal Solid Waste Transfer Facility	<u> </u>	<u> </u>	<u> </u>
<u> </u>	2	Sanitary Sludge Storage Facility	<u> </u>	<u> </u>	<u> </u>
<u> </u>	3	Residuals Infiltration Percolation Lagoon	<u> </u>	<u> </u>	<u> </u>
<u> </u>	4	Residuals Surface Impoundment	<u> </u>	<u> </u>	<u> </u>
<u>✓ </u>	5	Group I - Stormwater Runoff	<u> Y </u>	<u> Y (001B ONLY) </u>	<u> 10/90 </u>
<u> </u>	5G	General Permit Industrial Site	<u> </u>	<u> </u>	<u> </u>
<u> </u>	6	Group II - General Permit Stormwater Runoff	<u> </u>	<u> </u>	<u> </u>
<u> </u>	7	Underground Storage Tank	<u> </u>	<u> </u>	<u> </u>
<u> </u>	8	Other/Miscellaneous	<u> </u>	<u> </u>	<u> </u>

5. The following pipe discharges 001B are no longer discharging pollutants to the waters of the State as described in No. 3 above because of the following:

 Facility has been closed Effective date

 Connection to sewerage authority

Connection to Sanitary Sewage Collection System
 was granted by Treatment Works
 (Indicate Name of Sewage Authority)

Approval Number

 In-plant recycling

✓ Other - describe CONNECTION TO PASSAIC VALLEY SEWER
COMMISSION IN ACCORDANCE WITH EXISTING PERMIT

6. On behalf of the permittee I request the NJDEP to terminate authorization/approval for discharges and/or activities indicated above upon payment of applicable NJPDES permit fees.
7. I understand that it is a violation of the "Water Pollution Control Act" N.J.S.A. 58:10A-1 et. seq. to discharge pollutants except in conformity with a NJPDES permit and that I may be subject to significant civil/criminal penalties for said violation.

John Rankin
(Signature)

JOHN RANKIN
(Print Name)

Sworn to and signed in my presence this 13th day of October, 1990

J. Ann Barr
(Signature)

(Place Seal Here)

J. ANN BARR
Notary Public of New Jersey
My Commission Expires Aug. 5, 1992

Notary Public in and for the County of Essex, State of New Jersey

BE ON NOTICE THAT any person who knowingly makes a false state, representation or certification in any application, record, or other document filed or require to be maintained under the Water Pollution Control Act... shall, upon conviction be subject to a fine of not more than \$10,000.00 or by imprisonment for not more than \$10,000.00 or by imprisonment for not more than 6 months, or both.

A copy of this application shall be kept on the premises and be available for inspection by the Department.

FOR AGENCY USE ONLY

Termination Approved for Category(ies) _____

Conditional Termination Approved: Explain - _____

Termination Denied: Reason(s) _____

Modification Required _____ Attached or _____ Pending

Review by: _____ Date _____

Checked by : _____ Date _____

Bureau _____

8428910767

ENVIRON

December 16, 1991

HAND DELIVERY

Mr. Sal Balakrishnan
BEECRA Cleanup Oversight Section
New Jersey Department of
Environmental Protection and Energy
401 East State Street
Trenton, NJ 08625

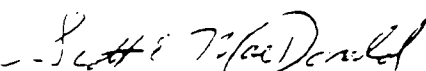
Re: Textron Inc. - Former Spencer Kellogg Facility
Newark, Essex County, New Jersey
ECRA Case No. 85403

Dear Mr. Balakrishnan:

Enclosed please find the progress report describing the activities associated with implementation of the Cleanup Plan at the former Spencer Kellogg facility for November 1991. Also included in this report are responses to several issues raised in your October 31, 1991 letter to Textron.

Please contact us if you have any questions or need further information.

Sincerely,


Scott E. MacDonald
Manager


Julia L. Mermelstein
Senior Associate

SEM/JM:dmd
0288E:PAA01F80.W51

Enclosures

cc: J. Schiavone
R. Lawrence

CLEANUP PLAN IMPLEMENTATION PROGRESS REPORT

Textron Inc. - Former Spencer Kellogg Facility
ECRA Case No. 85403

November 1991

1. Activities Performed This Reporting Period

The activities performed during this reporting period include: (1) continued discussions with Reichhold personnel regarding site coordination issues; (2) final modifications to the low temperature thermal aeration (LTTA) unit and initial trial testing; (3) temporary — cessation of excavation activities beneath Building 4 (AEC 12); (4) site preparation activities, including railroad track removal; (5) excavation and post-excavation sampling in various AECs; (6) off-site disposal of several waste streams; and (7) activities related to the observation of free-phase material in AEC 3.

Site Coordination Issues

On November 7, 14, and 21, 1991, representatives of ENVIRON, Canonie, and Reichhold met at the site to discuss ongoing site coordination issues, including access to particular areas of the site and alternative piping requirements for feedstock delivery to the large tank farm during remediation of AEC 7. The pipe relocation system for AEC 7 was constructed and tested during November 1991. The new piping system will be tied into the existing lines in December 1991 prior to initiation of remedial activities in this area.

Final Modifications to the LTTA Unit and Initial Trial Run

As indicated in the November 15, 1991 progress report to NJDEPE, Canonie made final connections of all LTTA system components during October 1991. Final modifications to the system's quench tower, including installation of a new booster

pump and piping, were made during this reporting period to increase the flow rate in the quench tower, thus completing the setup of the LTTA system.

Canonie conducted the initial trial run of the LTTA unit on November 26, 1991. Approximately 120 tons of excavated soil from AECs 3, 4 and 5 were processed during the six-hour test. Preliminary analytical results of hourly post-treatment samples indicated levels of toluene, ethylbenzene and xylene significantly below 10 ppm and levels of benzene at or below 1 ppm. The presence of benzene in these samples was not expected since this compound was not previously detected at the site. The occurrence of benzene in the post-treatment sampling results will continue to be evaluated during the trial testing period. Laboratory error may account for some portion of the benzene results. Final results from post-treatment sampling of this and other trial runs to be conducted in early December will be discussed and presented in the progress report for December 1991. As previously discussed with S. Balakrishnan of NJDEPE, all analytical data generated during remediation, as well as applicable Quality Assurance/Quality Control (QA/QC) documentation, will be submitted with the final report documenting the results of site cleanup.

Remedial Activities Beneath Building 4 (AEC 12)

As indicated in the November 15, 1991 progress report, approximately 40% of AEC 12 had been excavated as of October 31, 1991. Textron elected to dispose of the resinous materials removed from beneath Building 4 (AEC 12) as New Jersey hazardous waste (C433) at Chemical Waste Management's landfill in Model City, New York. During November 1991, additional excavation activities were temporarily suspended pending final approval from the Model City facility for disposal of these materials. Limitations regarding staging areas for roll-off containers on-site precluded the generation of additional materials for off-site disposal. On November 13, 1991, seven rollofs of resinous material (including resin from AEC 19) were sent to Chemical Waste Management's landfill in Model City, New York. Canonie also pumped approximately 20,000 gallons of water from AEC 12 that was ultimately disposed of at Chemical Waste Management's water treatment facility in Newark, New Jersey as non-hazardous wastewater.

In addition, high tides on October 30 and 31, 1991 resulted in flooding at the site, including the filling of the excavation beneath Building 4 (AEC 12) with approximately 25,000 gallons of water. Excavation in this AEC could not be resumed until the stormwater was removed. The stormwater from the excavation was treated on-site ← using activated carbon prior to being discharged to the Passaic Valley Sewerage Authority (in accordance with appropriate approval). Excavation in AEC 12 resumed on December 10, 1991.

Site Preparation Activities in AECs 3, 4, 5, 16, 19, and 25

During this reporting period, Canonie removed the railroad tracks in AECs 3, 4, 5, 16, and 25, removed the northern and western sides of the retaining wall surrounding AEC 19 to facilitate equipment access, and removed dried, resinous materials from the ground surface in AEC 19. Disposal of these materials is discussed in the section of this progress report entitled "Off-Site Waste Disposal."

Excavation Activities and Post-Excavation Sampling

During November 1991, Canonie excavated a "hot spot" area in AEC 3, excavated AECs 23 and 28 for base/neutral compounds (BNs) and performed additional excavations in AECs 3, 4, 5 and 9 to address volatile organic compounds (VOCs). Relevant excavation activities and post-excavation sampling are discussed below. The locations of most of the post-excavation samples are shown on Figure 5 of the May 1991 Work Plan, although a number of additional sampling locations described below were not proposed in the May 1991 Work Plan. A complete list of samples collected during November 1991, as well as drawings showing the locations of samples not proposed in the May 1991 Work Plan, are provided as Attachment 1 to this progress report. The available analytical results for samples collected during November 1991 are provided as Attachment 2 to this progress report.

a) BN Areas

As proposed in the May 1991 Work Plan, Canonie excavated an area within AEC 3 and all of AECs 23 and 28 due to the presence of BNs above site-specific cleanup criteria. Post-excavation samples were subsequently collected from

sampling locations P-5 and P-6 along the western and eastern sidewalls of the excavation in AEC 3, from sampling locations P-35 and P-36 along the western and eastern sidewalls of the excavation in AEC 23, and from sampling locations P-17 and P-18 along the western and eastern sidewalls of the excavation in AEC 28. These sample locations are shown on Figure 5 of the May 1991 Work Plan. The soil samples obtained from each of the referenced locations were collected from a depth of 1.5 feet below ground surface and analyzed for BN + 15 using EPA Method 8270. The specific results of this sampling are discussed below.

AEC 3

The sample results from P-5 and P-6 indicated levels of carcinogenic polycyclic aromatic hydrocarbons (CaPAHs) and total BNs above site-specific cleanup criteria. To ensure that all BNs within this area were appropriately remediated, Canonie extended the excavation approximately 10 feet in both the western and eastern directions and collected additional post-excavation samples along new western and eastern sidewalls (samples P-5A and P-6A) from a depth of 1.5 feet below ground surface. The analytical results from both of these additional samples exceeded the site-specific action level for CaPAHs, and the sample from P-6A also exceeded the site-specific action level for total BNs. To further evaluate the extent of CaPAHs within AEC 3, Canonie collected two additional samples at 10 foot intervals west and east of P-5A and P-6A, respectively. These sample locations are identified as P-5B, P-5C, P-6B, and P-6C. The analytical results for these additional samples were below site-specific action levels for CaPAHs and total BNs. Therefore, the extent of these compounds within AEC 3 has been fully delineated. The excavation in this area will be extended to clean sample locations P-5B and P-6B and no further post-excavation sampling will be conducted.

AEC 23

The analytical results for samples P-35 and P-36 were below the site-specific action level for CaPAHs, and the sample result from P-36 was also below the site-specific action level for total BNs. The sample from P-35, however, exceeded the site-specific action level for total BNs due to the presence of high concentrations

(1,700 ppm) of bis(2-ethylhexyl) phthalate. Because the presence of this compound is atypical for this site and the results, in part, could be indicative of plastic contamination introduced during sampling and/or analysis, Canonie collected an additional sample adjacent to previous location P-35 (sample P-35A) to confirm the presence of this compound. The analytical results for this additional sample were below the site-specific action levels for both CaPAHs and total BNs (Bis[2-ethylhexyl] phthalate was detected at 0.17 ppm). Although the results of the confirmatory sample do not indicate unacceptable BN levels along the sidewall, Canonie will extend the excavation to the east a minimum of one foot and collect one additional sidewall sample to confirm that the BN contamination in this area has been adequately addressed.

AEC 28

Samples were collected from locations P-17 and P-18, along the eastern and western sidewalls of the excavation in AEC 28. The analytical results for these samples are expected in December 1991 and will be included with the progress report for that period.

b) VOC Areas

As proposed in the May 1991 Work Plan, Canonie excavated soils in AECs 3, 4, 5 and 9, all of which are being remediated for VOCs (with the exception of the BN "hot spot" in AEC 3 described above that is being remediated for both BNs and VOCs). Relevant excavation activities and post-excavation sampling in each of these AECs are described below. All post-excavation soil samples were collected at a depth of 1.5 feet below ground surface and analyzed for benzene, toluene, ethylbenzene, and total xylenes (BTEX) using EPA Method 8020.

AECs 3, 4, and 5

To maintain the physical integrity of the northern retaining wall along AECs 3, 4 and 5, soils were excavated to within one foot of the wall. As required by NJDEPE's October 31, 1991 letter, post-excavation samples were subsequently collected at 30-foot intervals along the exposed sidewall in these areas. Preliminary

analytical results for a number of these samples exceeded the site-specific cleanup criteria for the target VOCs. As a result, Canonie collected additional samples approximately one foot deeper within the sidewalls at those former sampling locations (at the same depth below ground surface) containing VOCs in excess of the cleanup criteria. The analytical results for these additional samples, however, have not yet been received. All verified analytical data from this area will be provided and discussed with the progress report for December 1991.

Canonie collected additional post-excavation samples along the southern borders of AECs 4 and 5 (beneath the tank farm wall) because approximately 8 to 12 inches of soil were exposed during low tide conditions. It is currently believed, however, that these soils samples may have been collected from a zone which is below the ground water level at high tide. The preliminary analytical results for a number of these samples exceeded the site-specific cleanup criteria for target VOCs. Canonie subsequently collected additional samples approximately 1.5 feet further into the sidewalls at these former sampling locations (at the same elevation) containing VOCs in exceedance of the cleanup criteria. The analytical results have not yet been received. All verified data will be provided and discussed with the progress report for December 1991. A proposal for further action, if any, in this area will be made following the receipt of the additional analytical results and the determination of the actual high tide conditions in AECs 4 and 5.

No samples were collected along the southern border of AEC 3 (along the loading dock wall) because the building's foundation extends several feet below the water table.

Three additional samples (P-64, P-65, and P-66) not proposed in the May 1991 Work Plan were collected in the southeastern portion of AEC 5, which contains a pump pad, loading rack, and stairway pad (hereinafter referred to as the "loading rack area"). Soil excavation in this area could not be conducted under the structures in this area and could not be extended to the tank farm wall due to access problems and concerns about maintaining the physical integrity of these features. The analytical results for all three samples were below the site-specific action levels for target VOCs. Therefore, no further excavation of soils or remedial action will be undertaken in the loading rack area.

Samples were also collected from locations P-9, along the eastern border of AEC 5, and P-10, between Building 31/32 and the tank farm. The analytical results for the sample from P-9 were below site-specific action levels for target VOCs. Therefore, the extent of the excavation along the eastern border of AEC 5 has been fully delineated. The analytical results for the sample from P-10 exceeded the site-specific action levels for VOCs. The excavation in that area will be extended and an additional post-excavation sample will be collected. The specific results for these samples will be provided with other data from AECs 3, 4, and 5 in the progress report for December 1991.

AEC 9

As proposed in the May 1991 Work Plan, Canonic excavated the area within AEC 9 (beneath Building 16) as shown on Figure 5 of the May 1991 Work Plan. In response to NJDEPE's February 8, 1991 conditional approval letter, the post-excavation sample (P-21) from this area was analyzed for both BTEX and BN compounds. The analytical results for this sample were below the site-specific action levels. Therefore, no further action is required in this AEC.

Activities Related to the Observation of Free-Phase Material in AEC 3

Subsequent to completion of excavation activities in AEC 3, a thin layer of free-phase resinous material was discovered on the ground water in the bottom of the AEC 3 excavation. This material appears to have originated from under the current production building south of AEC 3. A period of heavy rainfall also contributed to the release of a small amount (something less than 5 gallons) of this material to Newark Bay. This material was immediately contained by collection booms. As you know, both the initial observation and the release to Newark Bay were reported to NJDEPE in the manner provided in N.J.A.C. 7:1E-5.3 required under applicable regulations. A final spill report is being prepared by Textron and will be provided to the agency on December 20, 1991.

In response to the observation of free-phase material in AEC 3, gravel-filled trenches have been installed along the loading dock of Building 31/32 in areas where a thin layer of product was observed. These trenches will serve to collect and contain

Meeting Minutes
Weekly Meeting No. 8
12/12/91
Textron Jobsite
Newark, New Jersey

90-247

Attending

Bob Neujelis, Reichhold
Kent Taylor, Reichhold
Julie Mermelstein, Environ
Gus Dommermuth, Canonie
Patrick Spellman, Canonie

Review of Last Weeks Meeting Minutes

- o Approved

Items Completed Last Week

- o Completed backfill of AEC 3/4/5 (rail spur).
- o Started rail replacement.
- o Constructed 3 collection trenches in AEC 3.
- o Completed Demonstration Test.
- o Completed tie-in of Tank Farm piping.
- o Resumed excavation of AEC 12 (Building # 4).

Activities Scheduled for Next Week

- o Complete rail replacement.
- o Continue full scale processing.
- o AEC 7 (tank farm) excavation.

Issues Discussed

- o Parking: Reichhold is looking into clearing the south side of Building 12. Canonie will consider removing the tankers in front of Building 16 and prepare the area for parking.
- o Roll-off Storage: With the resumption of AEC 12 excavation, Canonie may need more rolloff storage space. Reichhold is preparing to move to trailers from the storage area.
- o AEC 9 Floor Thickness: AEC 9 has been backfilled and Canonie is preparing to replace the concrete floor. Reichhold needs to inform Canonie how thick the replacement concrete should be.

ROLL OFF'S CONTAINING
HAZ. DEBRIS WERE STORED
NEAR STORM DRAIN'S TRAFFIC
TRACKED IN HAZ. DEBRIS

- THEY DID
NOT
- o Tank in AEC 12: Reichhold requested prior notice before Canonie starts to backfill the western half of AEC 12, (Building 4) where a small tank now exists. Canonie stated that final plans are being made and backfilling may begin before the next meeting.
 - o Paving Cleaning: Canonie will bring in a sweeper before we break for Christmas.
 - o AEC 3 Trench: Reichhold requested as-builts of trenches placed in AEC 3 (along Building 31 and 32).
 - o Holiday Schedule: Canonie will not process material between December 23, 1991 and January 6, 1991. AEC 12 excavation will continue through the holidays.

cc: Distribution List

PS/lt

Distribution List
Meeting Minutes
Textron Jobsite
Newark, New Jersey

Art Dieffenbach, Reichhold
Gus Dommermuth, Canonie
Phil Guenzer, Canonie
Scott MacDonald, Environ
Fred Malczuk, Reichhold
Julie Mermelstein, Environ
Joe Mihm, Canonie
Bob Neujelis, Reichhold
Jim Semple, Canonie
Patrick Spellman, Canonie
Jack Schiavone, Textron
Kent Taylor, Reichhold

Meeting Minutes
Weekly Meeting No. 3
Textron Jobsite
Newark, New Jersey
10/24/91

90-247

Attending

Art Dieffenbach, Reichhold
Bob Nojels, Reichhold
Julie Mermelstein, Environ
Gus Dommermuth, Canonie
Patrick Spellman, Canonie
Phil Guenzer, Canonie

Review of Last Weeks Meeting Minutes

- o Approved with one modification:

Item # 7 Reichhold did not predict that an OSHA inspection will occur, they just advised Canonie to be prepared in case one did occur.

Items Completed Last Week

1. Continued with set-up.
2. Six rollofs of asphalt taken offsite.
3. AEC 14 asphalt removal began.
4. AEC 12 excavation one-third complete.

Activities Scheduled for Next Week

1. Continue LTTA set-up. Begin demonstration test.
2. Continue AEC 12 excavation.
3. Excavate AEC 14.
4. Receive BN sample results for MW-10/boring M-2401 area.

Issues Discussed

1. Plant Set-Up: Expect to be complete with shakedown middle of next week and begin demonstration test Thursday, 10/31. Load cell on feed conveyor has been calibrated to measure tonnage of soil processed.
2. AEC 12 Excavations: The clay pipe storm drain passing beneath the western third of AEC 12 has been uncovered and found to be broken within the excavation. The potential exists for runoff to enter the excavation through this pipe. The pipe is temporarily plugged. Reichhold wants to repair the pipe after excavation is completed and before backfilling commences.

8428910779

Canonie to notify Reichhold before backfilling begins to schedule this work. Bob Agielis will investigate the feasibility of plugging the inlets which flow into this storm drain. The temporary plug in the end of the pipe will be strengthened by Canonie.

3. Site Access

- o No problems to date. Reichhold meeting Canonie's needs.
- o Canonie to move 3 more rollofs into rolloff staging area next week.

4. Rail Removal

- o Removal to begin in AEC's 3,4 & 5 on 11/1 and be completed by 11/5.
- o Ties will be loaded directly onto a flatbed and taken offsite for disposal.

5. AEC 7 Piping: Liability issue resolved.

6. Monitoring Wells: Drillers to be on-site Monday to abandon wells agreed to by Scott MacDonald and Patrick Spellman.

cc: J. Schiavone, Textron Inc.
J. Mihm, Canonie
J. Semple, Canonie

PG/lt

TO

Kent Taylor

FROM

Art Dieffenbach

SUBJECT

ECRA Cleanup

DATE

8/16/91

MESSAGE

I received a phone call from Canonic Environmental today. We discussed his problem of disposal of storm water collected at clean up areas when it rains. PVSC wants them to discharge out onto street after treatment thru carbon bed. We discussed whether we can use it for cooling tower make up. I told him we could if water quantity & quality was OK. This would save us some water and sewer charges if we can use it. I made it clear that if we did decide to use it that the piping ~~to the~~ etc. to the tower would be at no cost to us. He agreed.

He indicated that alternate discharge to the bay would require extensive permitting process and delays

SIGNED

Art

REDIFORM 45 468

POLY PAK (50 SETS) 4P468
carbonless☐

NO REPLY NECESSARY

☐

REPLY REQUESTED - USE REVERSE SIDE

8428910781

interoffice communication

TO: D. Bright

FROM: Art Dieffenbach

cc: R. Aston
V. Will
M. GasparikLOCATION: Doremus Avenue
Newark, NJ

DATE: 3/19/91

SUBJECT: Textron ECRA Clean-up
Doremus Avenue

We met today with representatives from Textron, their environmental consultant, (Environ) their legal representative and environmental clean-up organization selected for the ECRA cleanup. We discussed the needs of Textron to accomplish the clean-up, their proposed mode of operation and our concerns regarding the proposals. Following is a synopsis of items discussed:

1. Expected mobilization for clean-up to begin approximately July 1, 1991. Anticipate that cleanup treatment will begin August 1, 1991 with completion in October. Demobilization and final equipment removal, etc. to be completed by mid-November 1991. We believe that this is a very optimistic schedule.
2. Attached is a copy of the site plan for the clean-up which shows areas to undergo clean-up. We question the meaning of "Debris Aeration Area" beneath the water tower. This area is to be used for staging of rocks and other impervious material of size larger than the processing equipment will handle.
3. They indicated that they would be transferring contaminated materials from an excavated area to processing area using front end loaders. ~~We expressed concern for this method citing potential for spillage from the open loader while traveling across our property.~~ They will review this.
4. They indicated that they would need an area to stage 15 roll-off containers for holding contaminated materials that need to be removed from the site. We requested reduction in the number of units so that plant operations are not severely curtailed or restricted by the space limitations created by them. They will review this and limit roll-off containers as much as possible.
5. We pointed out that the areas they have proposed for location of lab and change trailers is now occupied by our hazardous waste staging and also by Textron's dirt piles. We explained the origin of this dirt, pointed out that we do not know if it is contaminated and that it should be sampled, tested and properly handled by Textron. Textron indicated, after some discussion, that they would get back to us on their proposal for this. There was some discussion over whether NL had any liabilities on this.
6. We discussed the need to provide alternative loading and unloading areas for the tank farm. We indicated that there would be a need to provide additional piping to ensure plant operation would not be restricted by their operations in the tank farm area on both the rail and truck unloading sides. We discussed the alternatives for phthalic tank-car unloading into tank trucks for transfer to the Albert Avenue facility. We indicated we had determined that Conrail might be interested in providing this service. The alternative would be tank truck shipments of PA, vegetable oils and fatty acids at additional costs. We will determine the needs for this alternate loading/unloading with Environ.

(continued)

7. They raised the question over whether we need to have the rail siding alongside bldg. 4/26 put back into operation. They also indicated that they would be willing to consider an alternate layout of rail tracks alongside bldg. 31/32 to the tank farm to include a single line with a switch for two lines in tank farm. They indicated that they would consider installing berming for us in the areas if savings on rail replacement would be significant. We indicated that we would be getting back to them on these proposals. We should determine what we to do in the area of spill control on the rail siding and try to reach agreement with Textron to have it done after remediation is complete. (This last item was not discussed with them).
8. We discussed the problem of security needs to ensure that unwanted strangers and DEP people were not allowed to wander about the plant. We will work this out with Environ and Canonie (the environmental cleaning firm). Canonie indicated that they will cordon off remediation areas and post contractor access signs to control access to sites. We need to work out more details on security needs for this project.
9. Canonie indicated that their mode of operation would include daily morning meetings to go over scope of the planned activities for that day. Our presence would be permitted at these meetings and even encouraged.
10. We discussed the possibility for labor problems due to use of non-union employees by them. We indicated that the only problem that we could anticipate was the possibility of operating engineers (Local 68 plant boiler operators) creating a problem over non-union excavation equipment operators. The plant production employees would probably not create a problem.
11. We discussed health and safety concerns, including their people being properly trained and the effect of the appearance (white suit, boots, hoods, etc.) of their clean-up personnel on our people. We indicated that we should consider meeting with plant union shop-stewards before project clean-up begins and inform them of what will be happening. We also agreed that use of blue suits rather than white suits would be less conspicuous and probably result in fewer questions and less concern.
12. The clean-up will result in the need to relocate a considerable amount of materials and equipment now in the plant. Drums stored in the area north of bldg. 12 and along bldg. 4 will need to be moved. Trailers located in east end of the plant (AEC 21) and other places in the plant will need to be removed and stored at Albert Avenue or somewhere else. The area constraints will no longer allow for storage of full or empty trailers on this site for the duration of the clean-up. Idle equipment stored in AEC 21 and around the garage will need to be removed to another location and pipe and materials stored on south side of maintenance shop (bldg. 23) would need to be removed. That area (south of bldg. 23) is proposed for treated soil stock pile area. They indicated that they would pave that area prior to its use. We must understand that this clean-up is going to reduce the area in the plant that we will have available to us for storage, etc. We will be required to work around these restraints.

(continued)

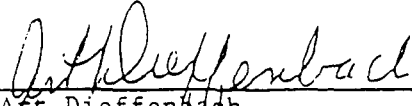
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13. They indicated that they would like to obtain, if possible;
 - A. Health and safety plans for the plant so that they can comply with them.
 - B. Drawings of pertinent areas, if they are available, that will enable them to determine obstructions, pad thickness, etc.
 - C. Deed to property to accurately determine the extent to which the clean-up would go so as not to encroach upon neighboring properties.
14. We discussed setting up a procedure for rapid handling of determination of underground piping and other obstructions discovered during excavations. We agreed that this procedure will be set up by Cononie and plant personnel.
15. Removal of underground fuel oil storage tanks was discussed. Textron indicated that they had no plans to address them. They felt that they might be independant of ECRA and requested information on the tanks, i.e. when last used, size, etc.
16. We asked about clean-up of areas around electric transformers that might be PCB contaminated. Environ indicated that the DEP did not indicate that this was an area of environmental concern, therefore, no sampling was done in this area. They indicated that they had no plans to sample or consider clean-up of this area. We need to force someone to, at least, find out if the area is PCB contaminated.

The meeting was informative, discussions were cordial and we think that a good cooperative working relationship can be established between us. This type of relationship is going to be extremely important if the clean-up is to proceed as planned.

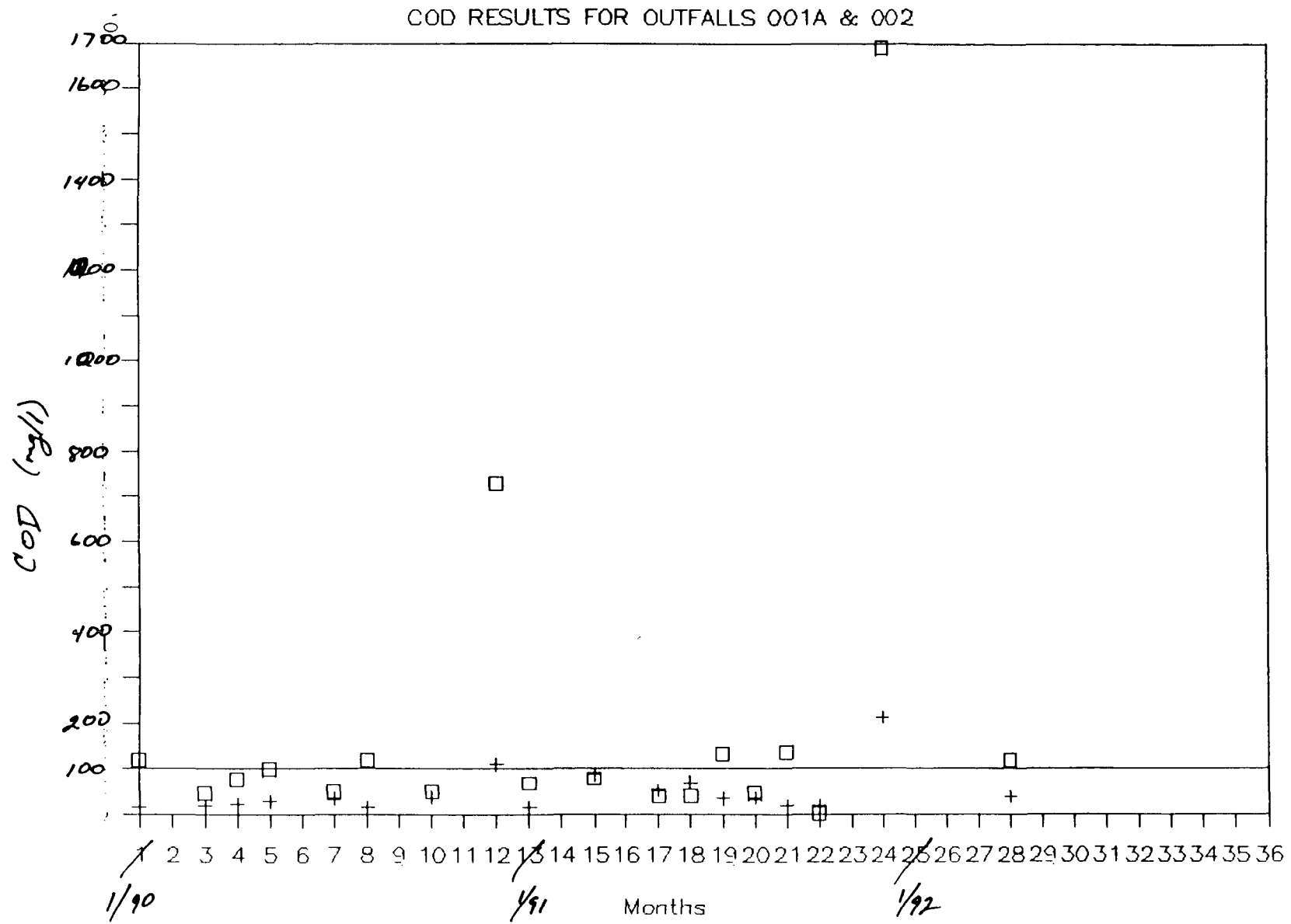
Canonie indicated that a pre-planning meeting would probably be needed about mid-May. We will continue to work with them as well as possible, but, we must realize that once clean-up begins, someone from RCI is going to need to spend considerable amounts of time coordinating activities, solving problems, answering questions, etc.

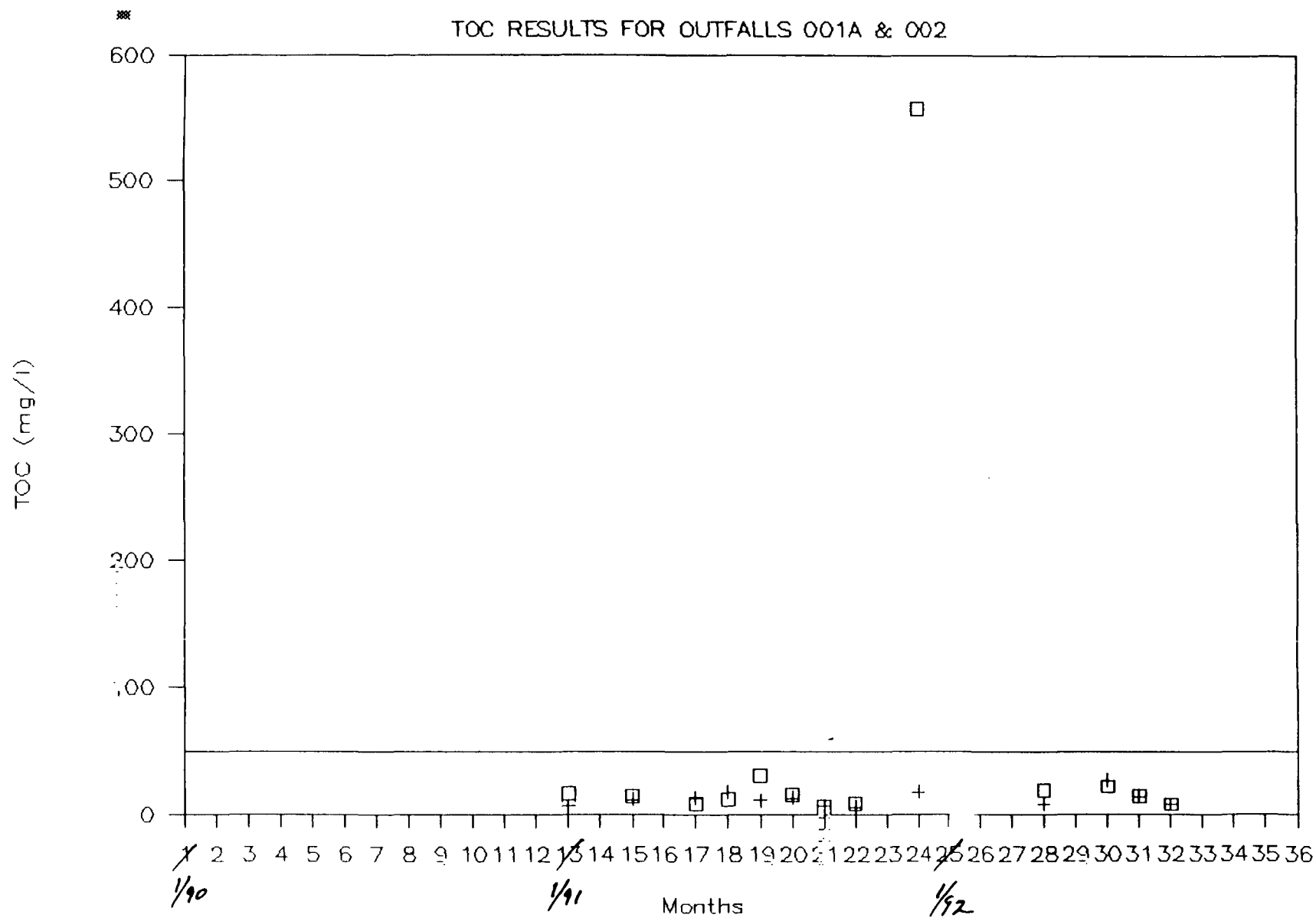
Your comments requested.


Art Dieffenbach

F - Porcine - stormwater

8428910785





8428910786

**Administrative Hearing Request Checklist
and Tracking Form for Enforcement Documents**

I. Enforcement Document Being Appealed:

Administrative Order and Notice of Civil Administrative Penalty Assessment
Title of Enforcement Document

May 27, 1992
Issuance Date of Enforcement Document

NA
Document Number (if any)

II. Person Requesting Hearing:

Mr. Robert Naujelis
Name
Reichhold Chemicals, Inc.
400 Doremus Avenue
Newark, New Jersey 07105
Address

Mr. Dan Uyesato
Name of Attorney, if applicable
Reichhold Chemicals, Inc.
P.O. Box 13582
Research Triangle Park, NC 27709-
Address of Attorney 3582

III. Please Include the Following Information as Part of Your Request:

- A. The date the alleged violator received the enforcement document being contested;
- B. A copy of the Enforcement Document and a list of all issues being appealed;
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachments, to:
 1. Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Request
Department of Environmental Protection and Energy
CN 402 Trenton, New Jersey 08625-0402
 2. Peter T. Lynch, Chief, Metro Bureau,
2 Babcock Place, West Orange, NJ 07052 - (With Attachments)
 3. All co-permittees (w/attachments)

IV. Signature: _____

Date: _____

8428910787

F. - Porems - Stenmer

Reichhold Chemicals, Inc.

100 State Highway 100

PO Box 1332

Research Triangle Park, NC 27709-3582

November 20, 1992

REICHHOLD

Mrs. Kathy Stroh Mendoza
N.J. Dept. of Law and Public Safety
Division of Law
124 Halsey Street
Newark, NJ 07102

Re: Reichhold Chemicals, Inc. v. NJDEPE
OAL Dkt # EWR 07638-92N

Dear Mrs. Stroh Mendoza:

I am writing to confirm our telephone conversation of November 16, 1992 in which you granted a one-month extension to the State's first request for interrogatories, document request and request for admissions.

As I mentioned in our telephone conversation, Reichhold is discussing possible settlement of this matter with NJDEPE's Metro Bureau of Water and Hazardous Waste Enforcement in West Orange.

I will keep you informed of our progress in reaching a settlement.

Sincerely,

Paul Brustofski

Paul Brustofski
Environmental Engineer

PAB/gc

cc: L. Graham - RTP
D. Uyesato, Esq. - RTP

[illegible]

We consider this upset to be an isolated incident, evidenced by several months of satisfactory COD levels following the April event. Pavement in the area of the railroad tracks will prevent further exposure of storm water to contaminated soils and ground water. Extensive cleanup activities around the production buildings will hopefully reduce COD loadings resulting from the explosion in future months.

Please contact me if you require any additional information.

Sincerely,

Art Dieffenbach

J.L. GRAHAM

Reichhold Chemicals, Inc.

Corporate Headquarters

P.O. Box 13582

Research Triangle Park, NC 27709-3582

Certified Mail - Return Receipt Requested

REICHHOLD

June 18, 1992

Mr. Robert Santaloci, Esq.
Office of Legal Affairs
CN402
Trenton, New Jersey 08626

RE: Administrative Order and
Notice of Civil Administrative Penalty Assessment
Reichhold Chemicals, Inc.
NJPDES No. NJ0063738
Newark/Essex County

Dear Mr. Santaloci:

Enclosed you will find a clean copy of the hearing request faxed to your office on Wednesday, June 17, 1992.

Please call me at (919) 990-7836 if you have any questions on this matter.

Sincerely,

Paul A. Brustofski

Paul A. Brustofski
Regional Environmental Engineer
Environmental Compliance

cc:	P.T. Lynch	- NJDEPE West Orange, NJ (Certified)
	R. Naujelis	- RCI/Newark, NJ
	D.E. Uyesato	- R.T.P.

Reichhold Chemicals, Inc.

Corporate Headquarters

P.O. Box 13582

Research Triangle Park, NC 27709-3582

VIA FACSIMILE

REICHHOLD

June 17, 1992

Mr. Robert Santaloci, Esq.
Office of Legal Affairs
CN402
Trenton, New Jersey 08626

RE: Administrative Order and
Notice of Civil Administrative Penalty Assessment
Reichhold Chemicals, Inc.
NJPDES No. NJ0063738
Newark/Essex County

Dear Mr. Santaloci:

Reichhold Chemicals, Inc. requests a hearing in the matter of the Administrative Order and Notice of Civil Penalty Assessment dated May 27, 1992.

Attached you will find an Administrative Hearing Request Checklist and Tracking Form for Enforcement Documents, a copy of our fully funded-trust agreement, and supporting information. This letter also confirms your agreement that facsimile of these documents to your office is an acceptable form of submission.

If you have any questions regarding these materials, please call me at (919) 990-7836.

Sincerely,



Paul A. Brustofski
Regional Environmental Engineer

cc: P.T. Lynch
R. Naujelis

- NJDEPE West Orange, NJ
- RCI/Newark, NJ

Reichhold Chemicals, Inc.

Corporate Headquarters

P.O. Box 13582

Research Triangle Park, NC 27709-3582

June 18, 1992

REICHHOLD

Mr. Robert Santaloci, Esq.
Office of Legal Affairs
CN402
Trenton, New Jersey 08626

RE: Administrative Order and
Notice of Civil Administrative Penalty Assessment
Reichhold Chemicals, Inc.
NJPDES No. NJ0063738
Newark/Essex County

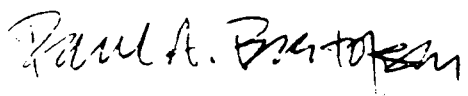
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If you have any questions regarding these materials, please call me at (919) 990-7836.

Sincerely,



Paul A. Brustofski
Regional Environmental Engineer

cc: P.T. Lynch
R. Naujelis

- NJDEPE West Orange, NJ
- RCI/Newark, NJ

**Administrative Hearing Request Checklist
and Tracking Form for Enforcement Documents**

I. Enforcement Document Being Appealed:

Administrative Order and Notice of Civil Administrative Penalty Assessment

Title of Enforcement Document

May 27, 1992

Issuance Date of Enforcement Document

NA

Document Number (if any)

II. Person Requesting Hearing:

Mr. Robert Naujelis

Name

Reichhold Chemicals, Inc.

400 Doremus Avenue
Newark, New Jersey 07105

Address

Mr. Dan Uyesato

Name of Attorney, if applicable

Reichhold Chemicals, Inc.

P.O. Box 13582
Research Triangle Park, NC

Address of Attorney

2770

35

III. Please Include the Following Information as Part of Your Request:

- A. The date the alleged violator received the enforcement document being contested;
- B. A copy of the Enforcement Document and a list of all issues being appealed;
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
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- E. Information supporting the request;
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- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachments, to:

- 1. Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Request
Department of Environmental Protection and Energy
CN 402 Trenton, New Jersey 08625-0402
- 2. Peter T. Lynch, Chief, Metro Bureau,
2 Babcock Place, West Orange, NJ 07052 - (With Attachments)
- 3. All co-permittees (w/attachments)

IV. Signature:

Robert Naujelis

Date:

6/16/92

A. Reichhold Chemicals ("Reichhold") received the enforcement document being contested on May 28, 1992.

B. A copy of the enforcement document is enclosed.

Reichhold appeals the assessment of a Civil Administrative Penalty in this case, and contests the issuance of the Administrative Order.

C. Reichhold admits findings 1-7 of the Administrative Order and Notice of Civil Administrative Penalty Assessment ("Notice"). Reichhold is without sufficient information to admit or deny Finding 8 except to the extent that it indicates that the violations in question were not caused by an upset. Reichhold denies finding 9 of the Notice.

D. The defense to finding 9 of the Notice is based on the affirmative defenses listed below:

(i) N.J.S.A. 58:10A-3z defines "upset" as "an exceptional incident in which there is an unintentional and temporary noncompliance with an effluent limitation because of an event beyond the reasonable control of the permittee . . ."

The two permit excursions cited in the Notice are attributable to ECRA Cleanup activities conducted by a previous site owner, which Reichhold believes were out of its reasonable control. Since ECRA activities were under the control and supervision of third party contractors hired by a previous site owner, Reichhold had very little control over its discharge during this period.

ECRA field activities were commenced in December 1991 and completed around March 1992. The subject sampling event occurred in December 1991. During this period, remediation contractors involved in the ECRA Cleanup were engaged in various activities which contributed to high COD levels in the stormwater discharge. Specifically, contaminated soils were excavated, loaded onto dumptrucks, and transported to an on-site thermal treatment unit where they were processed to destroy organic contaminants.

The intensive excavation during this period exposed contaminated soils to rainwater. Due to heavy truck traffic, soils were also tracked onto paved surfaces of the plant. Both of these conditions contributed to a substantial increase in sediment present in the stormwater runoff. Since COD levels can be influenced by contaminated sediments, Reichhold believes that ECRA activities were the direct cause of both excursions mentioned in the Notice. This conclusion is supported by the fact that stormwater samples taken during the brief ECRA-related fieldwork showed COD levels far in excess of any previous sampling event. Reichhold's plant operations during this

period were routine.

Reichhold notified NJDEPE of the excursions in a January 21, 1992 letter accompanying its December Discharge Monitoring Report. A follow-up letter was mailed to NJDEPE on March 5, 1992.

(ii) N.J.S.A. 58:10A-10.2 recognizes the affirmative defense of a testing error. Reichhold asserts that the permit excursions in the Notice were caused, at least in part, by procedural deficiencies in sampling or other similar circumstances beyond the control of the permittee. Sampling at this facility is procedurally difficult because the stormwater outfall is below the level of the Newark Bay. Since a sample cannot be collected at the outfall pipe leading to the Bay, Reichhold is forced to collect stormwater samples from puddles around each storm drain. This sampling methodology is not considered to be representative of the actual outfall into the Newark Bay, since a disproportionate amount of sediments are collected in the sampling vile. Reichhold has petitioned NJDEPE on previous occasions to relax COD restrictions in order to account for this anomalous sampling procedure.

E. Information supporting the request is attached; additional information will be provided upon request.

F. The hearing is expected to last one day.

G. A barrier-free hearing location for physically disabled persons is not necessary.

H. Reichhold is willing to negotiate a settlement with the NJDEPE prior to the NJDEPE processing the hearing request to the Office of Administrative Law.

Reichhold reserves the right to amend and supplement this document as additional facts become available.

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

REICHHOLD

January 21, 1992

N.J. D.E.P.E.
Wastewater Facilities Regulation Element
Bureau of Information Systems
CN 029
Trenton, NJ 08625-0029

Dear Sirs:


This letter is to provide information as to what we believe is the cause for non-compliance with Chemical Oxygen Demand (COD) limits, for the month of December 1991.

The facility is currently undergoing an E.C.R.A. clean up involving the excavation and treatment of soils from many areas on-site. Contaminated soils from excavated areas are being tracked into stormwater collection areas by large truck tires and excavation equipment. In addition, water from areas where asphalt was removed has been observed to migrate into paved areas during heavier rain events. The clean up contractor attempted to clean paved areas using street sweeping equipment, but this was not effective.

The E.C.R.A. clean up is State mandated. Distribution of excavated soil into stormwater collection areas is unavoidable. Accordingly, Reichhold believes neither it or those entities involved in the clean up should be held liable.

Please contact me if you have any questions regarding this matter.

Very truly yours,


Robert Naujelis
Environmental Engineer

RN/glm
cc: P. Spellman, Canonie, Inc.
K. Taylor, Reichhold
U.S.E.P.A.

(201) 589-3709
(201) 817-9173 (Facsimile)

8428910797

Reichhold Chemicals, Inc.
Coating Polymers & Resins Division
400 Doremus Avenue
Newark, NJ 07105

RECEIVED
MAY 1992
REQUIREMENTS

March 5, 1992

N.J. DEPE
Metro Bureau Regional Office
2 Babcock Place
West Orange, NJ 07052-5504

RE: Violation of Effluent Limits or Parameter Reporting
Requirements of NJPDES Permit on Discharge Monitoring Report.
NJPDES Permit No.: NJ0063738

Dear Mr. Colino:

Enclosed is a copy of the letter of explanation which accompanied the December 1991 Discharge Monitoring Report for the above referenced facility.

As described in the letter, a former owner of the site is conducting a State mandated E.C.R.A. clean up involving the remediation of soils from many areas of the facility. Soil is being excavated and transported to a mobile incinerator at the east end of the property. After treatment to remove organic materials, the cleaned soil is placed back in the excavation.


In the process of excavation, and transportation, contaminated soils were tracked, and deposited throughout the site. Reichhold requested that the soil be cleaned on several occasions, but the sweeping equipment was inadequate and not used often enough.

Per previous discussions, you are aware that Reichhold is forced to obtain samples from storm drains since the outfalls are located below tide levels. It has been impossible to obtain samples free of soil.

Reichhold was not responsible for the deposition of contaminated soils, nor does it have the authority to alter the DEPE approved E.C.R.A. work plan for the site. Reichhold expects conditions to improve dramatically on completion of the E.C.R.A. project.

Until this occurs we request that no further action be taken regarding D.M.R. non-compliance.

Sincerely,


Robert Naujels
Environmental Engineer

cc: K. Taylor
(201) 589-3709
(201) 817-9173 (Facsimile)

8428910798

Trust Agreement

RE: ADJUDICATORY HEARING REQUEST
NOTICE OF CIVIL ADMINISTRATIVE PENALTY
ASSESSMENT DATED May 27, 1992
NAME OF VIOLATOR Reichhold Chemicals, Inc.
ADDRESS OF FACILITY AT WHICH VIOLATION OC-
CURRED 400 Doremus Ave., Newark, NJ 07105

This Fully Funded Trust, hereinafter "Agreement", entered into as of June 17, 1992 by and between Reichhold Chemicals, Inc., 400 Doremus Ave., Newark, NJ 07105, a Delaware corporation, hereinafter "Grantor" and Wachovia Bank of North Carolina, P.O. Box 12196, Research Triangle Park, NC 27709, a National Bank, hereinafter "Trustee".

WHEREAS, the Grantor is required to provide financial assurance in an amount equal to the amount of the civil administrative penalty in the Notice of Civil Administrative Penalty Assessment dated May 27, 1992 as a precondition to requesting an adjudicatory hearing on the Notice of Civil Administrative Penalty Assessment pursuant to N.J.A.C. 7:14-8.4(a), and

WHEREAS, The Grantor, acting through its duly authorized officer or management official, has selected the Trustee under this Agreement, and the Trustee is willing to act as Trustee.

NOW, THEREFORE, the Grantor and the Trustee agree as follow:

Section 1. Definitions

As used in this Agreement:

(a) The term "Grantor" means the violator who is requesting an adjudicatory hearing on the Notice of Civil Administrative Penalty Assessment referenced above, and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into the Agreement and any successor Trustee.

Section 2. Identification of Site or Facility at which the Violations referenced in the Notice of Civil Administrative Penalty Assessment Occurred and Amount of Financial Assurance

This Agreement pertains to the site or facility at which the violations referenced in the Notice of Civil Administrative Penalty Assessment occurred and the full amount of the civil administrative penalty in the Notice of Civil Administrative Penalty Assessment dated May 27, 1992 which is included herein as Attachment A.

Section 3. Establishment of Fund

The Grantor and the Trustee hereby establish a trust fund, hereinafter the "Fund", for the benefit of NJDEP. The Grantor and the Trustee intend that no third party shall have access to the fund except as herein provided. The Fund is established initially as consisting of the total sum of \$40,000 which is acceptable to the Trustee and NJDEP. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the NJDEP.

Section 4. Payment for The Civil Administrative Penalty in the Notice of Civil Administrative Penalty Assessment dated May 27, 1992

The Trustee shall make payment from the Fund as the NJDEP Commissioner, or his designee, shall direct, in writing, to provide for the payment for the civil administrative penalty in the Notice of Civil Administrative Penalty Assessment dated May 27, 1992. In addition, the Trustee shall refund to the Grantor such amounts the NJDEP specifies in writing. Upon refund such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund

Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management

At such time as the corpus of the Fund is funded, the Trustee shall invest and reinvest principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustee shall discharge his duties with respect to the Fund solely in the interest of the NJDEP as the beneficiary and with the care, skill, prudence and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the site or facility at which the violations occurred or any of their affiliates, as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2(a), shall not be acquired or held, unless they are securities or other obligation of the Federal or a State government;

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and

(iii) The Trustee is authorized to hold cash awaiting investment of distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investing

The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee

Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expedience of any such sale or other disposition;

(b) To make, execute, acknowledge and deliver any and all document of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the Federal Government of the United States or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses

All taxes of any kind that may be assessed or levied against or in respect of the fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor and all other proper charges and disbursements of the Trustee, shall be paid from the Fund.

Section 10. Annual Valuation

The Trustee shall, annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the NJDEP a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the NJDEP shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel

The Trustee may, from time to time, consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation

The Trustee shall be entitled to reasonable compensation, from time to time, for its services, as agreed upon in writing with the Grantor.

Section 13. Successor Trustee

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer and pay over to the successor Trustee the funds and properties constituting the Fund. If

for any reason, the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor Trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in writing sent to the Grantor, the NJDEP and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Successor Grantor

Sixty days prior to the Grantor ceasing to exist, if dissolution is contemplated, the Grantor must notify and provide NJDEP with the names and addresses of any and all successors and assigns along with a notarized acknowledgement from same stating that the successors and assigns assume responsibilities concerning financial assurance.

Section 15. Instructions to the Trustee

All orders, requests and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in Attachment B or such other designees as the Grantor may designate by amendment to Attachment B or such other designees as the Grantor may designate by amendment to Attachment B. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests and instructions. All orders, requests and instructions by the NJDEP to the Trustee shall be in writing, signed by the NJDEP commissioner or his/her designee and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or NJDEP hereunder has occurred.

The Trustee shall have no duty to act in the absence of such orders, requests and instructions from the Grantor and/or NJDEP, except as provided for herein.

Section 16. Amendment of Agreement

This agreement may be amended by an instrument in writing executed jointly by the Grantor or the Grantor's principals, successors, and assigns if Grantor has dissolved, the Trustee and the NJDEP or by the Trustee and the NJDEP if the Grantor ceases to exist and no successors or assigns are named.

Section 17. Irrevocability and Termination

Subject to the right of the parties to amend this Agreement, as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee and the NJDEP or of the Trustee and the NJDEP, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust or in carrying out any directions by the Grantor or the NJDEP issued in accordance with the Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event that the Grantor fails to provide such defense.

Section 19. Choice of Law

This Agreement shall be administered, construed and enforced according to the laws of the State of New Jersey.

Section 20. Interpretation

As used in this Agreement, words in the singular include the plural and words in the plural include singular.

The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof, the parties have caused this Agreement to be executed by their respective officer or management officials, duly authorized, and their corporate seals to be hereunto affixed and attested, as of the date set forth below:

Reichhold Chemicals, Inc.

DATE: ~~May 27, 1992~~ ~~PAB~~
JUNE 17, 1992

BY: Charles A. Lorelli

TITLE: Secretary

Wachovia Bank of North Carolina

DATE: June 17, 1992

BY: J. Andrew Coker
TITLE: Vice-President

SIGNATURE GUARANTEED BY
WACHOVIA BANK OF NORTH CAROLINA, N.A.
RALEIGH, NC

By: J. Andrew Coker
AUTHORIZED SIGNATURE
Title Vice-President

8428910804

CERTIFICATE OF ACKNOWLEDGEMENT
(Grantor & Trustee)

ADJUDICATORY HEARING REQUEST
NOTICE OF CIVIL ADMINISTRATIVE ASSESSMENT DATED MAY 27, 1992

NAME OF VIOLATOR Reichhold Chemicals, Inc.

ADDRESS OF VIOLATOR 400 Doremus Ave., Newark, NJ 07105

ADDRESS OF SITE OR FACILITY AT WHICH VIOLATION OCCURRED
400 Doremus Ave., Newark, NJ 07105

Amount of Financial Guarantee \$ 40,000

Type of Financial Assurance Posted Fully Funded Trust

State of New Jersey

County of Essex

On this May 27, 1992, before me personally came Charles A. Lorelli to me known, who, being by me duly sworn, did depose and say that he resides at 2400 Ellis Road, Durham, NC 27703, that he is Secretary of Reichhold Chemicals, Inc., the corporation described in and which executed the above instrument; that he know the seal of the corporation; that the seal affixed to such instruments is such corporate seal; that is so affixed by order of the Board of Directors of the corporation, and that he signed his name thereto by like other.

Joan G. Wencel

my commission expires 4/12/93



**State of New Jersey
Department of Environmental Protection and Energy
Enforcement**

Scott A. Weiner
Commissioner

Edward M. Neafsey
Assistant Commissioner

IN THE MATTER OF	:	ADMINISTRATIVE ORDER AND
REICHHOLD CHEMICALS,	:	NOTICE OF CIVIL ADMINISTRATIVE
INCORPORATED	:	PENALTY ASSESSMENT

This Administrative Order and Notice of Civil Administrative Penalty Assessment is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection and Energy (hereinafter "NJDEPE" or "Department") by N.J.S.A. 13:1D-1 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and duly delegated to the Assistant Director or Bureau Chief of the Division of Facility Wide Enforcement pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. Reichhold Chemicals, Incorporated, (hereinafter "Reichhold") owns and operates a facility located at Block 5070, Lot 11 at 400 Doremus Avenue, Newark, Essex County, New Jersey 07105.
2. The NJDEPE issued a New Jersey Pollutant Discharge Elimination System ("NJPDDES") Permit No. NJ0063738 (hereinafter "the Permit") to Spencer Kellogg on June 30, 1988. The effective date of the Permit was August 1, 1988 and the expiration date is July 31, 1993.
3. In a letter dated August 2, 1989, Reichhold petitioned the Department to transfer the permit from Spencer Kellogg to Reichhold to reflect the change in ownership of the site at 400 Doremus Avenue, Newark, New Jersey 07105.
4. Pursuant to the Permit, Reichhold discharges pollutants, as defined by N.J.A.C. 7:14A-1.9, into the waters of the State.

Please Respond To:

Tel. #

ADMINISTRATIVE ORDER
AND NOTICE OF CIVIL
ADMINISTRATIVE
PENALTY ASSESSMENT
PAGE 2 OF 5

5. No person shall discharge any pollutant except in conformity with a valid NJPDES Permit issued pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

6. Part III B/C of the Permit sets forth specific parameters to be reported on Discharge Monitoring Report forms (hereinafter "DMRs") and identifies discharge limitations for each parameter for each permitted outfall.

7. On April 28, 1992, a representative of NJDEPE conducted an inspection of the Reichhold facility and determined that Reichhold had monitored their discharge for the months of September 1991 through February 1992, and had submitted DMRs. The laboratory results demonstrate that Reichhold has violated the discharge limits of the Permit. Listed below are the dates and parameters which are serious violations pursuant to N.J.S.A. 58:10-3.V:

DMR NUMBER	MONIT. PERIOD END DATE	DSN NO.	PARAMETER	LOAD CONC	LIMIT TYPE	LIMIT	UNITS	DATA	AFFIRMATIVE DEFENSE
91121045	12/31/91	001	COD	CONC	MAX	100.00	mg/l	1690.00	Reject
91121045	12/31/91	002	COD	CONC	MAX	100.00	mg/l	212.00	Reject

The following abbreviations were used in the table above: E90 for Effluent Violations; COD for Chemical Oxygen Demand; mg/l for milligrams per liter.

8. On January 21, 1992, the Department was notified by Reichhold that it was asserting an affirmative defense of an upset for the violations in the table above. The Department has reviewed this notification and is rejecting this defense because the provisions of N.J.S.A. 58:10A-10.2 b. were not satisfied and the indicated violations were not caused by an upset.

9. Based on the facts set forth in these FINDINGS, the Department has determined that Reichhold has violated the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., specifically N.J.S.A. 58:10A-6, and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1 et seq., specifically N.J.A.C. 7:14A-1.2.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

10. Reichhold shall discharge pollutants only in conformity with NJPDES Permit No. NJ0063738, the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1.1 et seq.

11. Reichhold shall submit monthly DMRs as required by Part III - B/C, Sec. 1.b of the Permit.

12. Obligations and penalties of this Administrative Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement

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of law and the protection of public health, safety, welfare and environment, and are not intended to constitute a debt or debts which may be limited or discharged in a bankruptcy proceeding.

13. This Administrative Order shall be effective upon receipt.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

14. Pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8.1 et seq., and based upon the above FINDINGS, NJDEPE has determined that a civil administrative penalty should be assessed against Reichhold in the amount of \$40,000.00. NJDEPE's rationale for this Civil Administrative Penalty is set forth in Appendix A which is attached hereto and incorporated herein.

15. Payment of the penalty is due when a final order is issued by the Commissioner subsequent to a hearing if any, or when this Notice of Civil Administrative Penalty Assessment becomes a final order (see following paragraph). Payment shall be made by certified or cashier's check payable to "Treasurer, State of New Jersey" and shall be submitted with the white copy of Form DEP - 62A to:

Bureau of Revenue
New Jersey Department of Environmental Protection and Energy
CN 402
Trenton, New Jersey 08625

16. If no request for a hearing is received within twenty (20) calendar days from receipt of this Notice of Civil Administrative Penalty Assessment, it shall become a final order upon the twenty-first calendar day following its receipt by Reichhold, and the penalty shall be due and payable.

17. Notice is given that pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8.13, the Department may, in addition to any civil administrative penalty assessed, amend such penalty assessment to include a civil administrative penalty for the economic benefit (in dollars) which a violator has realized as a result of not complying, or by delaying compliance, with this Act.

NOTICE OF RIGHT TO A HEARING

18. Reichhold is entitled to an administrative hearing. Any hearing request must include the information specified in Paragraph 19 below and shall be delivered to Richard J. McManus, Director, Office of Legal Affairs, CN-402, Trenton, New Jersey 08625 within twenty (20) calendar days from receipt of this Administrative Order and Notice of Civil Administrative Penalty Assessment. A copy of the completed, signed, and dated Administrative Hearing Checklist and Tracking Form and a copy of the complete hearing request shall be filed at the same time with Peter T. Lynch, P.E., Chief, Metro Bureau of Water and Hazardous Waste Enforcement, 2 Babcock Place, West Orange, New Jersey 07052.

19. Reichhold shall, pursuant to N.J.A.C. 7:14-8.4(a), in its request for a

ADMINISTRATIVE ORDER
AND NOTICE OF CIVIL
ADMINISTRATIVE
PENALTY ASSESSMENT
PAGE 4 OF 5

hearing, furnish NJDEPE with all of the information specified in the enclosed Administrative Hearing Request Checklist and Tracking Form.

20. If Reichhold intends to appeal the penalty assessed in this Administrative Order and Notice of Civil Administrative Penalty Assessment, Reichhold must, in accordance with N.J.A.C. 7:14-8.4(a), submit to the Department financial assurance in the amount of \$40,000.00 in the form of a surety bond guaranteeing payment, an irrevocable letter of credit or a fully funded trust, worded identical to the wording specified in N.J.A.C. 7:14-8 Appendix D and a certification of acknowledgement worded identical to the wording specified in N.J.A.C. 7:14-8 Appendix D.

GENERAL PROVISIONS

21. This Administrative Order and Notice of Civil Administrative Penalty Assessment is binding on Reichhold, its principals, directors, officers, agents, successors, assigns, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.

22. Reichhold shall submit copies of all documents required by this Administrative Order and Notice of Civil Administrative Penalty Assessment by certified mail, return receipt requested or by hand delivery to:

Peter T. Lynch, Chief
Metro Bureau of Water and Hazardous Waste Enforcement
NJDEPE-Division of Facility Wide Enforcement
2 Babcock Place
West Orange, New Jersey 07052

Penalty payments shall be made in the same manner to the address in paragraph 15 above.

23. Notice is given that this Administrative Order and Notice of Civil Administrative Penalty Assessment is issued only for the violations identified in the Findings hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted without further notice. By issuing this Administrative Order and Notice of Civil Administrative Penalty Assessment the Department does not waive its rights to initiate additional enforcement actions.

24. Notice is given that pursuant to N.J.S.A. 58:10A-10d, NJDEPE is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate and distinct offense.

25. Notice is further given that pursuant to N.J.S.A. 58:10A-10e, any person who violates N.J.S.A. 58:10A-1 et seq., or an administrative order issued pursuant to N.J.S.A. 58:10A-10b, or who fails to pay the civil administrative penalty in full after it is due or who fails to make payment pursuant to a payment schedule entered into with the Department shall be subject to a civil penalty not to exceed \$50,000 per day of such violation, and each day's continuance of the violation shall constitute an additional, separate and distinct violation.

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ADMINISTRATIVE ORDER
AND NOTICE OF CIVIL
ADMINISTRATIVE
PENALTY ASSESSMENT
PAGE 5 OF 5

26. Notice is further given that pursuant to N.J.S.A. 58:10A-10f, any person who purposely, knowingly, or recklessly violates N.J.S.A. 58:10A-1 et seq., including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a monitoring report, or any portion thereof, required pursuant to this act, shall, upon conviction, be guilty of a crime of the third degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or by both. Any person who negligently violates N.J.S.A. 58:10A-1 et seq., including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a discharge monitoring report, or any portion thereof, shall, upon conviction, be guilty of a crime of the fourth degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment, or by both.

DATE: May 27, 1992


PETER T. LYNCH, CHIEF
METRO BUREAU OF WATER AND
HAZARDOUS WASTE ENFORCEMENT

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APPENDIX A

Reichhold Chemicals, Incorporated
Newark/Essex County

PART A

Discharge of Effluent, AFTER July 1, 1991, in Excess of NJPDES Permit
Limitations: N.J.A.C. 7:14-8.5

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(g)1i, the seriousness factor is considered to be major for any discharge exceeding the effluent limitation set forth in a permit by more than 100 percent for a non-hazardous pollutant or by more than 50 percent for a hazardous pollutant. Since COD is a non-hazardous pollutant, and the permit effluent limitation has been exceeded by more than 100 percent, the seriousness factor is considered to be major.

CONDUCT: The Department does not currently have information in its possession that would support the firm conclusion that the violations are due to intentional, deliberate, purposeful, knowing, willing or foreseeable conduct on the part of the violator. Therefore the conduct is minor.

Pursuant to N.J.A.C. 7:14-8.5(f), the civil administrative penalty assessed for each violation is \$20,000.00.

Two (2) COD violations for December 1991.

DMR NUMBER	MONIT. PERIOD END DATE	VIOL	DSN NO.	PARAMETER	LOAD LIMIT CONC TYPE	LIMIT	UNITS	DATA
91121045	12/31/91	E90	001	COD	CONC MAX	100.00	mg/l	1690.00
91121045	12/31/91	E90	002	COD	CONC MAX	100.00	mg/l	212.00

The following abbreviations were used in the tables above: E90 for Effluent Violations; COD for Chemical Oxygen Demand.

PART A FORMULA: \$20,000 x 2 violations - \$40,000.00

TOTAL PENALTY DUE \$40,000.00

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ATTACHMENT B

**Mr. Daniel E. Uyesato
Assistant General Counsel
Reichhold Chemicals, Inc.
2400 Ellis Road
Durham, NC 27703
(919) 990-7874**

DEP-062A
5/91

New Jersey Department of Environmental Protection

Settled for \$20,000

☐ Check here if Revised Billing

ENFORCEMENT INVOICE

Document # ME052792-01
Date Rec'd _____
Amount _____

DIVISION FACILITY WIDE ENFORCEMENT/METRO

PROGRAM NJPDES - SW

TYPE: ☒ Fine/Penalty ☐ Cost Recovery

FACILITY ID NO. NJ 0063738

PROGRAM ID NO. _____

Case/Company Name Reichhold Chemicals, Incorporated
Address 400 Doremus Avenue
Newark, NJ 07105

Please identify appropriate category:

☐ County Authority: ☒ Industrial
☐ Local ☐ Regional ☐ Commercial
☒ Private ☐ Local ☐ Other - _____

Specify

DATE ASSESSED	DESCRIPTION	AMOUNT
5/27/92	Civil Administrative Penalty Assessment	\$40,000.00
DATE DUE:	Upon 21st day of receipt	AMOUNT DUE: \$40,000.00

Make check payable to: Treasurer, State of New Jersey

Mail to: NJDEP, Bureau of Revenue
CN 417, Trenton, N.J. 08625-0417

COPY DISTRIBUTION: White - Remittance Copy Yellow - Company Pink - Bureau of Revenue Goldenrod - Division

E32

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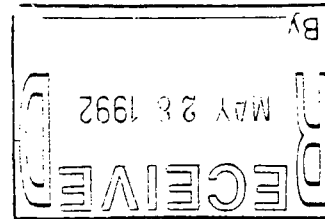


State of New Jersey
Department of Environmental Protection and Energy
Enforcement

Scott A. Weiner
Commissioner

Edward M. Neafsey
Assistant Commissioner

May 27, 1992



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Naujelis, Environmental and Safety Manager
Reichhold Chemicals, Incorporated
400 Doremus Avenue
Newark, New Jersey 07105

Dear Mr. Naujelis:

Re: Administrative Order and
Notice of Civil Administrative Penalty Assessment
Reichhold Chemicals, Incorporated
NJPDES No. NJ0063738
Newark/Essex County

There is enclosed for service upon you an Administrative Order and Notice of Civil Administrative Penalty Assessment issued by the Department pursuant to the provisions of the Water Pollution Control Act, N.J.S.A. 58:10A-10b and d.

Notice is hereby given that the Reichhold Chemicals, Incorporated (hereinafter "Reichhold") is entitled to an administrative hearing. Any hearing request must include a complete Administrative Hearing Request Checklist and Tracking Form for Enforcement Documents (Tracking Form) and all information specified below and must be delivered within twenty (20) calendar days after receipt by Reichhold of this Administrative Order and Notice of Civil Administrative Penalty Assessment to:

- (1.) Richard J. McManus, Director
Office of Legal Affairs
CN402
Trenton, New Jersey 08626
- (2.) all co-permittees

Please Respond To:

Tel. #

with a copy of the Tracking Form and a copy of the complete hearing request to be filed at the same time with:

Peter T. Lynch, P.E., Chief
NJDEPE - Division of Facility Wide Enforcement
Metro Bureau of Water and
Hazardous Waste Enforcement
2 Babcock Place
West Orange, New Jersey 07052

Reichhold shall, pursuant to N.J.A.C. 7:14-8.4(a) in its request for a hearing, include the items and information listed on the attached Tracking Form.

Also, if Reichhold intends to appeal the penalty assessed in this Administrative Order and Notice of Civil Administrative Penalty Assessment, Reichhold must submit to the Department financial assurance in the amount of \$40,000 for the penalty assessed in the form of a surety bond guaranteeing payment, an irrevocable letter of credit or a fully funded trust, worded identical to the wording specified in N.J.A.C. 7:14-8 Appendix D and a certification of acknowledgement worded identical to the wording specified in N.J.A.C. 7:14-8 Appendix D.

If no request for a hearing is received within twenty (20) calendar days of Reichhold's receipt of the Administrative Order and Notice of Civil Administrative Penalty Assessment, it shall become a Final Order upon the twenty-first (21) calendar day following its receipt by Reichhold and the penalty shall be due and payable. Please be advised that an untimely or incomplete hearing request will be denied and that the Department does not have the jurisdiction to extend the twenty (20) day deadline.

If you have any questions concerning this Administrative Order and Notice of Civil Administrative Penalty Assessment please contact Janet Budesa Carroll, Acting Section Chief, Metro Bureau of Water and Hazardous Waste Enforcement, 2 Babcock Place, West Orange, New Jersey 07052, or by telephoning (201) 669-3900.

Very truly yours,



Peter T. Lynch, Chief
Metro Bureau of Water and
Hazardous Waste Enforcement

Enclosure

c: Janet Budesca Carroll, MBWHWE
Joseph McGinley, H.O.
Dennis Hart, WFRE
Patrick Durack, USEPA
Kathy Mendoza, DOL
Chief, Permits Administration Branch, USEPA.



State of New Jersey
Department of Environmental Protection and Energy
Enforcement

Scott A. Weiner
Commissioner

Edward M. Neafsey
Assistant Commissioner

IN THE MATTER OF : ADMINISTRATIVE ORDER AND
REICHOLD CHEMICALS, : NOTICE OF CIVIL ADMINISTRATIVE
INCORPORATED : PENALTY ASSESSMENT

This Administrative Order and Notice of Civil Administrative Penalty Assessment is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection and Energy (hereinafter "NJDEPE" or "Department") by N.J.S.A. 13:1D-1 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and duly delegated to the Assistant Director or Bureau Chief of the Division of Facility Wide Enforcement pursuant to N.J.S.A. 13:1B-4.

FINDINGS

1. Reichhold Chemicals, Incorporated, (hereinafter "Reichhold") owns and operates a facility located at Block 5070, Lot 11 at 400 Doremus Avenue, Newark, Essex County, New Jersey 07105.
2. The NJDEPE issued a New Jersey Pollutant Discharge Elimination System ("NJPDDES") Permit No. NJ0063738 (hereinafter "the Permit") to Spencer Kellogg on June 30, 1988. The effective date of the Permit was August 1, 1988 and the expiration date is July 31, 1993.
3. In a letter dated August 2, 1989, Reichhold petitioned the Department to transfer the permit from Spencer Kellogg to Reichhold to reflect the change in ownership of the site at 400 Doremus Avenue, Newark, New Jersey 07105.
4. Pursuant to the Permit, Reichhold discharges pollutants, as defined by N.J.A.C. 7:14A-1.9, into the waters of the State.

Please Respond To:

Tel. #

ADMINISTRATIVE ORDER
AND NOTICE OF CIVIL
ADMINISTRATIVE
PENALTY ASSESSMENT
PAGE 2 OF 5

5. No person shall discharge any pollutant except in conformity with a valid NJPDES Permit issued pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

6. Part III B/C of the Permit sets forth specific parameters to be reported on Discharge Monitoring Report forms (hereinafter "DMRs") and identifies discharge limitations for each parameter for each permitted outfall.

7. On April 28, 1992, a representative of NJDEPE conducted an inspection of the Reichhold facility and determined that Reichhold had monitored their discharge for the months of September 1991 through February 1992, and had submitted DMRs. The laboratory results demonstrate that Reichhold has violated the discharge limits of the Permit. Listed below are the dates and parameters which are serious violations pursuant to N.J.S.A. 58:10-3.V:

DMR NUMBER	MONIT. PERIOD END DATE	DSN NO.	PARAMETER	LOAD CONC	LIMIT TYPE	LIMIT	UNITS	DATA	AFFIRMATIVE DEFENSE
91121045	12/31/91	001	COD	CONC	MAX	100.00	mg/l	1690.00	Reject
91121045	12/31/91	002	COD	CONC	MAX	100.00	mg/l	212.00	Reject

The following abbreviations were used in the table above: E90 for Effluent Violations; COD for Chemical Oxygen Demand; mg/l for milligrams per liter.

8. On January 21, 1992, the Department was notified by Reichhold that it was asserting an affirmative defense of an upset for the violations in the table above. The Department has reviewed this notification and is rejecting this defense because the provisions of N.J.S.A. 58:10A-10.2 b. were not satisfied and the indicated violations were not caused by an upset.

9. Based on the facts set forth in these FINDINGS, the Department has determined that Reichhold has violated the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., specifically N.J.S.A. 58:10A-6, and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1 et seq., specifically N.J.A.C. 7:14A-1.2.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

10. Reichhold shall discharge pollutants only in conformity with NJPDES Permit No. NJ0063738, the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, N.J.A.C. 7:14A-1.1 et seq.

11. Reichhold shall submit monthly DMRs as required by Part III - B/C, Sec. 1.b of the Permit.

12. Obligations and penalties of this Administrative Order are imposed pursuant to the police powers of the State of New Jersey for the enforcement

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of law and the protection of public health, safety, welfare and environment, and are not intended to constitute a debt or debts which may be limited or discharged in a bankruptcy proceeding.

13. This Administrative Order shall be effective upon receipt.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

14. Pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8.1 et seq., and based upon the above FINDINGS, NJDEPE has determined that a civil administrative penalty should be assessed against Reichhold in the amount of \$40,000.00. NJDEPE's rationale for this Civil Administrative Penalty is set forth in Appendix A which is attached hereto and incorporated herein.

15. Payment of the penalty is due when a final order is issued by the Commissioner subsequent to a hearing if any, or when this Notice of Civil Administrative Penalty Assessment becomes a final order (see following paragraph). Payment shall be made by certified or cashier's check payable to "Treasurer, State of New Jersey" and shall be submitted with the white copy of Form DEP - 62A to:

Bureau of Revenue
New Jersey Department of Environmental Protection and Energy
CN 402
Trenton, New Jersey 08625

16. If no request for a hearing is received within twenty (20) calendar days from receipt of this Notice of Civil Administrative Penalty Assessment, it shall become a final order upon the twenty-first calendar day following its receipt by Reichhold, and the penalty shall be due and payable.

17. Notice is given that pursuant to N.J.S.A. 58:10A-10d and N.J.A.C. 7:14-8.13, the Department may, in addition to any civil administrative penalty assessed, amend such penalty assessment to include a civil administrative penalty for the economic benefit (in dollars) which a violator has realized as a result of not complying, or by delaying compliance, with this Act.

NOTICE OF RIGHT TO A HEARING

18. Reichhold is entitled to an administrative hearing. Any hearing request must include the information specified in Paragraph 19 below and shall be delivered to Richard J. McManus, Director, Office of Legal Affairs, CN-402, Trenton, New Jersey 08625 within twenty (20) calendar days from receipt of this Administrative Order and Notice of Civil Administrative Penalty Assessment. A copy of the completed, signed, and dated Administrative Hearing Checklist and Tracking Form and a copy of the complete hearing request shall be filed at the same time with Peter T. Lynch, P.E., Chief, Metro Bureau of Water and Hazardous Waste Enforcement, 2 Babcock Place, West Orange, New Jersey 07052.

19. Reichhold shall, pursuant to N.J.A.C. 7:14-8.4(a), in its request for a

hearing, furnish NJDEPE with all of the information specified in the enclosed Administrative Hearing Request Checklist and Tracking Form.

20. If Reichhold intends to appeal the penalty assessed in this Administrative Order and Notice of Civil Administrative Penalty Assessment, Reichhold must, in accordance with N.J.A.C. 7:14-8.4(a), submit to the Department financial assurance in the amount of \$40,000.00 in the form of a surety bond guaranteeing payment, an irrevocable letter of credit or a fully funded trust, worded identical to the wording specified in N.J.A.C. 7:14-8 Appendix D and a certification of acknowledgement worded identical to the wording specified in N.J.A.C. 7:14-8 Appendix D.

GENERAL PROVISIONS

21. This Administrative Order and Notice of Civil Administrative Penalty Assessment is binding on Reichhold, its principals, directors, officers, agents, successors, assigns, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.

22. Reichhold shall submit copies of all documents required by this Administrative Order and Notice of Civil Administrative Penalty Assessment by certified mail, return receipt requested or by hand delivery to:

Peter T. Lynch, Chief
Metro Bureau of Water and Hazardous Waste Enforcement
NJDEPE-Division of Facility Wide Enforcement
2 Babcock Place
West Orange, New Jersey 07052

Penalty payments shall be made in the same manner to the address in paragraph 15 above.

23. Notice is given that this Administrative Order and Notice of Civil Administrative Penalty Assessment is issued only for the violations identified in the Findings hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted without further notice. By issuing this Administrative Order and Notice of Civil Administrative Penalty Assessment the Department does not waive its rights to initiate additional enforcement actions.


24. Notice is given that pursuant to N.J.S.A. 58:10A-10d, NJDEPE is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate and distinct offense.

25. Notice is further given that pursuant to N.J.S.A. 58:10A-10e, any person who violates N.J.S.A. 58:10A-1 et seq., or an administrative order issued pursuant to N.J.S.A. 58:10A-10b, or who fails to pay the civil administrative penalty in full after it is due or who fails to make payment pursuant to a payment schedule entered into with the Department shall be subject to a civil penalty not to exceed \$50,000 per day of such violation, and each day's continuance of the violation shall constitute an additional, separate and distinct violation.

ADMINISTRATIVE ORDER
AND NOTICE OF CIVIL
ADMINISTRATIVE
PENALTY ASSESSMENT
PAGE 5 OF 5

26. Notice is further given that pursuant to N.J.S.A. 58:10A-10f, any person who purposely, knowingly, or recklessly violates N.J.S.A. 58:10A-1 et seq., including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a monitoring report, or any portion thereof, required pursuant to this act, shall, upon conviction, be guilty of a crime of the third degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$75,000 per day of violation, or by imprisonment, or by both. Any person who negligently violates N.J.S.A. 58:10A-1 et seq., including making a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act, or by falsifying, tampering with, or rendering inaccurate any monitoring device or method required to be maintained pursuant to this act, or by failing to submit a discharge monitoring report, or any portion thereof, shall, upon conviction, be guilty of a crime of the fourth degree, and shall, notwithstanding the provisions of subsection b. of N.J.S.A. 2C:43-3, be subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment, or by both.

DATE: May 27, 1992


PETER T. LYNCH, CHIEF
METRO BUREAU OF WATER AND
HAZARDOUS WASTE ENFORCEMENT

8428910821

APPENDIX A

Reichhold Chemicals, Incorporated
Newark/Essex County

PART A

Discharge of Effluent, AFTER July 1, 1991, in Excess of NJPDES Permit
Limitations: N.J.A.C. 7:14-8.5

SERIOUSNESS: Pursuant to N.J.A.C. 7:14-8.5(g)1i, the seriousness factor is considered to be major for any discharge exceeding the effluent limitation set forth in a permit by more than 100 percent for a non-hazardous pollutant or by more than 50 percent for a hazardous pollutant. Since COD is a non-hazardous pollutant, and the permit effluent limitation has been exceeded by more than 100 percent, the seriousness factor is considered to be major.

CONDUCT: The Department does not currently have information in its possession that would support the firm conclusion that the violations are due to intentional, deliberate, purposeful, knowing, willing or foreseeable conduct on the part of the violator. Therefore the conduct is minor.

Pursuant to N.J.A.C. 7:14-8.5(f), the civil administrative penalty assessed for each violation is \$20,000.00.

Two (2) COD violations for December 1991.

DMR NUMBER	MONIT. PERIOD END DATE	VIOL	DSN NO.	PARAMETER	LOAD LIMIT CONC TYPE	LIMIT	UNITS	DATA
91121045	12/31/91	E90	001	COD	CONC MAX	100.00	mg/l	1690.00
91121045	12/31/91	E90	002	COD	CONC MAX	100.00	mg/l	212.00

The following abbreviations were used in the tables above: E90 for Effluent Violations; COD for Chemical Oxygen Demand.

PART A FORMULA: \$20,000 x 2 violations = \$40,000.00

TOTAL PENALTY DUE \$40,000.00

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Administrative Hearing Request Checklist
and Tracking Form for Enforcement Documents

I. Enforcement Document Being Appealed:

Title of Enforcement Document

Issuance Date of Enforcement Document

Document Number (if any)

II. Person Requesting Hearing:

Name

Name of Attorney, if applicable

Address

Address of Attorney

III. Please Include the Following Information as Part of Your Request:

- A. The date the alleged violator received the enforcement document being contested;
- B. A copy of the Enforcement Document and a list of all issues being appealed;
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachments, to:
 - 1. Office of Legal Affairs
ATTENTION: Adjudicatory Hearing Request
Department of Environmental Protection and Energy
CN 402 Trenton, New Jersey 08625-0402
 - 2. Peter T. Lynch, Chief, Metro Bureau,
2 Babcock Place, West Orange, NJ 07052 - (With Attachments)
 - 3. All co-permittees (w/attachments)

IV. Signature: _____

Date: _____



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State of New Jersey

OFFICE OF ADMINISTRATIVE LAW

185 WASHINGTON ST.

NEWARK, NEW JERSEY 07102

(801) 642-7137

FAL DOCKET NO.: FWR 07638-92 N

AGENCY REF. NO.: NJ0063739

TRANSMITTING AGENCY:
DIVISION OF WATER RESOURCES

JUDGE: CLANCY, THOMAS E.

REICHOLD CHEMICALS, INCORPORATED

VS.

NOTICE OF
MANDATORY EARLY
SETTLEMENT CONFERENCE

JUDGES/DENY

NATURE OF PROCEEDING:

DISCHARGE IN VIOLATION OF THE NJDEP PERMIT THEREBY VIOLATING THE NJ
WATER POLLUTION CONTROL ACT, NJSA 15:10A-1 ET. SEQ.A MANDATORY EARLY SETTLEMENT CONFERENCE IN THIS CASE WILL BE HELD ON:
MAY 26 1993 10:00 AMOFFICE OF ADMINISTRATIVE LAW
185 WASHINGTON ST.
(ENTRANCE ON RAYMOND BLVD.)
NEWARK, N.J. 07102THIS CASE HAS BEEN SCHEDULED FOR A MANDATORY EARLY SETTLEMENT CONFERENCE.
IF THIS DATE IS NOT CONVENIENT, YOU MUST NOTIFY THE CLERK'S OFFICE AT THE
ABOVE TELEPHONE NUMBER WITHIN 7 DAYS OR THE CONFERENCE WILL NOT BE
ADJOURNED. FAILURE TO APPEAR WILL RESULT IN PENALTIES BEING IMPOSED OR
THE CASE BEING DISMISSED.PARTIES MUST COMPLETE THE EXCHANGE OF COPIES OF ALL DOCUMENTS TO BE USED
AT THE HEARING, EXCHANGE OF INTERROGATORIES AND ANSWERS AND ALL INFORMAL
MEANS OF OBTAINING INFORMATION NO LATER THAN 7 DAYS PRIOR TO THE SETTLE-
MENT CONFERENCE. FAILURE TO COMPLY WITH THIS REQUIREMENT MAY RESULT IN
THE PARTIES NOT BEING PERMITTED TO USE THE EVIDENCE AT THE HEARING.
PARTIES MUST BRING ALL PERTINENT DOCUMENTS TO THE SETTLEMENT CONFERENCE.PARTIES OR THEIR LEGAL REPRESENTATIVES MUST ATTEND THE CONFERENCE WITH
FULL AUTHORITY TO ENTER INTO A BINDING SETTLEMENT OR HAVE AVAILABLE TO
THEM, BY TELEPHONE, SOMEONE WITH APPROPRIATE AUTHORITY TO AUTHORIZE THEM
TO ENTER INTO A BINDING SETTLEMENT. IF NO SETTLEMENT IS REACHED AT THE
SETTLEMENT CONFERENCE, THE JUDGE WILL SET A PEREMPTORY TRIAL DATE. NO
ADJOURNMENTS WILL BE PERMITTED FROM THAT TRIAL DATE. COUNSEL AND/OR
PARTIES MUST BE PREPARED TO AGREE UPON TRIAL DATES AND HAVE KNOWLEDGE OF
THE AVAILABILITY OF POTENTIAL WITNESSES. THE ANTICIPATED TRIAL DATE FOR
THIS CASE WILL BE BETWEEN 60-90 DAYS FROM THE DATE OF THE SETTLEMENT
CONFERENCE.

JUN 07 1993

DATE

THOMAS F. LOWE, CLERK AND
ASSISTANT DIRECTOR JUDICIAL MANAGEMENT

SERVICE LIST OF PARTIES

RICHARD J. MC MANUS
DIRECTOR
OFFICE OF LEGAL AFFAIRS
DEPT. ENVIR. PROTECT. & ENERGY
CN 402
TRENTON NJ 08625

KATHY MENDOZA, DAG.
DIV. OF LAW
P.O. BOX 45022
124 HALSEY ST.
NEWARK, N.J. 07101

JANET DUDESA CARROLL
ACTING SECTION CHIEF
DIV. OF FAC. WIDE ENFORCEMENT
2 BARCOCK PLACE
WEST ORANGE, NJ 07052

ROBERT COLINO
ENVIRONMENTAL SPECIALIST
DIV. OF FAC. WIDE ENFORCEMENT
2 BARCOCK PLACE
WEST ORANGE, NJ 07022

MR. ROBERT NAUJELIS
ENVIRONMENTAL ENGINEER
REICHOLD CHEMICALS, INC.
400 DOREMUS DRIVE
NEWARK, NJ 07105

MR. DAN UMEASTO
ATTORNEY
REICHOLD CHEMICALS, INC.
PO BOX 13582
RESEARCH TRIANGLE PARK, N.C. 27709-3582

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY
Environmental Regulation
Wastewater Facilities Regulation Element
CN 029
Trenton, NJ 08625-0029

REICHOLD CHEMICALS INC
COATING POLYMERS & RESINS DIV
400 DOREMUS AVENUE
NEWARK NJ 07105

FEB 16 1993

RE: Violation of Effluent Limits or Parameter Reporting
Requirements NJPDES Permit No: NJ0063738

Dear Permittee:

The New Jersey Department of Environmental Protection and Energy (Department) has issued your facility a New Jersey Pollutant Discharge Elimination System (NJPDES) permit pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. The permit requires that discharge monitoring results obtained during the previous monitoring period shall be summarized and reported to the Department on Discharge Monitoring Report (DMR) forms.

Your NJPDES permit requires that you submit to the Department a report concerning any non-compliance, including the action taken to correct it and prevent its continuation or recurrence. Additionally, the Clean Water Enforcement Amendments to the New Jersey Water Pollution Control Act and the regulations adopted pursuant thereto, specify reporting requirements for claiming an affirmative defense for certain violations.

The Department has reviewed the DMR submitted for your facility for the period ending 92/11/30. This review indicated that you are not complying with one or more effluent limitations or parameter reporting requirements specified in your permit. These apparent violations are noted on the attached violation summary forms.

Please review the subject DMR carefully against the information on the violation summary form. If there is a discrepancy between the DMR information you submitted and the data listed on the violation summary form you must immediately submit a copy of the submitted DMR with a notation of the discrepancy to the Bureau of Permit Management, CN029, Trenton, NJ 08625-0029. If your DMR was incomplete or completed incorrectly you must submit a revised DMR to the Bureau of Permit Management with a copy to this office. The corrected information must be submitted in red ink and each revised value must be initialed and dated by the original signatory. DMRs must be completed in accordance with the Department's Discharge Monitoring Report Instruction Manual (Revised June 1991).

Reichhold Chemicals, Inc.

Corporate Headquarters

P.O. Box 13582

Research Triangle Park, NC 27709-3582

February 22, 1993

REICHHOLD

Mr. Peter T. Lynch
NJDEPE Metro Bureau of Water
and Hazardous Waste Enforcement
2 Babcock Place
West Orange, NJ 07052-5504

RE: Violation of Effluent Limits or Parameter Reporting
Requirements; NJPDES Permit No.: NJ0063738

Dear Mr. Lynch:

We wish to respond to your notice of February 16, 1993 regarding violation of effluent limits for NJPDES Permit No. NJ0063738.

Reichhold notified the Department in a December 17, 1992 letter that extenuating circumstances beyond our control were the primary cause of the apparent violation. A copy of this letter is enclosed. This notification was included with the timely submission of the DMR for the month of November. It is my understanding, based on your letter, that penalties would not be assessed because this notification was made "within 30 days of the DMR due date."

Please feel free to call me at (201) 589-3716 if you require any additional information.

Sincerely,

Art Dieffenbach

Encl.

cc: P. Brustofski/R.T.P.

Reichhold Chemicals, Inc.

Corporation Headquarters

PO Box 13552

Research Triangle Park, NC 27709-3552

December 17, 1992

REICHHOLD

NJDEPE

Wastewater Facilities Regulation Element

Bureau of Information Systems

CN 029

Trenton, NJ 08625-0029

Re: NJPDES Permit No. NJ0063738

Reichhold Chemicals, Inc. 400 Doremus Ave, Newark, NJ 07105

Dear Sirs:

Enclosed herein is a DMR for the month of November 1992. This letter is to provide your office with an explanation for analytical data during the month, which shows COD levels of 143 ppm for outfalls 001 and 002.

As you may know, this facility sustained a major explosion and fire in January 1992. The roof of both production buildings 31 and 32 was being dismantled, crushed and discarded during the month of October 1992. Since this is a five story building, construction rubble was dumped down chutes to the ground, where it was collected and placed in rolloff containers for disposal. This project was fairly large in scope and created a significant amount of airborne dust and debris.

To support the claim that this was an isolated incident, a storm water sample collected on September 9, 1992 was in compliance with our limit of 100 ppm COD. Construction work commenced shortly thereafter and lasted for several weeks. Due to a lack of rain, no discharge was reported in the month of October. The next sample was collected on November 3, shortly after the demolition activities were completed. The November 3 sample showed the COD readings of 143 ppm, which we believe was reflective of the outdoor activities discussed.

Please call me at (201) 589-3714 if you have any further questions.

Sincerely,

Art Dieffenbach

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Mr. P.T. Lynch, Chief
Metro Bur. of Water & Hazard
Waste Enforcement
2 Babcock Pl.
West Orange, NJ 07052-5504

4a. Article Number
P 236 080 575

4b. Service Type
☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Sender)
Joan M. Allevier-Piggot

APR 16 1993

PS Form 3811, November 1980 U.S. GPO: 1991-287-000

DOMESTIC RETURN RECEIPT

P 236 080 575

Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	P.T. Lynch, Chief
Street and No.	Metro Bur. of Water & Haz.
P.O. State and ZIP Code	Waste Enforcement 2 Babcock Pl. West Orange, NJ 07052-5504
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

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